NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text Edited, Corrected, Formulated, and Translated into English

BY

MICHAEL L. RODKINSON

First Edition Revised and Corrected

BY

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Volume I.

TRACT SABBATH

SECOND EDITION, RE-EDITED, REVISED AND ENLARGED

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.

2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.

3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waïbayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.

4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

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TO

EDWIN R. A. SELIGMAN, PH.D.

PROFESSOR OF POLITICAL SCIENCE AT COLUMBIA UNIVERSITY

IN RECOGNITION OF

HIS WARM INTEREST AND VALUABLE SERVICES IN PROMOTING THE STUDY OF LITERATURE, AND HIS GREAT INSTRUMENTALITY IN ASSISTING YOUNG MEN AND WOMEN TO BROADEN THEIR MINDS, AND REACH A HIGHER SOCIAL PLANE, AND FOR HIS MANY WORKS FOR THE COMMUNAL WELFARE, ESPECIALLY THOSE IN BEHALF OF THE

EDUCATIONAL ALLIANCE

THIS VOLUME IS MOST RESPECTFULLY DEDICATED BY THE

EDITOR AND TRANSLATOR

MICHAEL L. RODKINSON.

June 15, 1901.
New York City.

CONTENTS.

PAGE

PREFACE TO THE SECOND EDITION vii

EDITOR'S PREFACE ix

BRIEF GENERAL INTRODUCTION TO THE BABYLONIAN TALMUD xv

INTRODUCTION TO TRACT SABBATH xxi

SYNOPSIS OF SUBJECTS OF VOLUME I.—TRACT SABBATH . xxix

CHAPTER I.

REGULATIONS CONCERNING TRANSFER ON SABBATH . . 1

CHAPTER II.

REGULATIONS CONCERNING THE SABBATH AND 'HANUKAH LIGHT 31

CHAPTER III.

REGULATIONS CONCERNING STOVES, HEARTHS, AND OVENS . 63

CHAPTER IV.

REGULATIONS CONCERNING THE DEPOSITING OF VICTUALS ON THE SABBATH 83

CHAPTER V.

REGULATIONS CONCERNING GEAR WHICH MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH . . . 91

CHAPTER VI.

REGULATIONS CONCERNING WHAT GARMENTS (SERVING AS ORNAMENTS) WOMEN MAY GO OUT WITH ON THE SABBATH 107

CHAPTER VII.

PAGE

The General Rule concerning the Principal Acts of Labor on Sabbath 127

CHAPTER VIII.

Regulations concerning the Prescribed Quantity of Victuals and Beverages which Must Not be Carried about on the Sabbath 143

CHAPTER IX.

Rabbi Aqiba's Regulations on Different Subjects . 154

CHAPTER X.

Further Regulations concerning the Prescribed Quantity of Things to be Stored 171

PREFACE TO THE SECOND EDITION.

THE translator of the Talmud, who has now reached the thirteenth volume of his task, covering twenty-one tracts of this great work, certainly cannot point with any great pride to the fact that this is the second edition of his translation which first appeared in 1896, for he believes that the opening and bringing to light of a book so long withheld from the gaze of the curious, and even the learned, should have attracted more attention and deserved greater consideration than it has received. However, he is glad to see that thousands of readers have at last taken advantage of the opportunity of looking into the "sealed book," and to such an extent that second editions have become necessary, both of this volume and of the Tract Rosh Hashana of the fourth volume, which he has reëdited and enlarged upon, adding many historical facts and legends, so that they now appear as practically new works.

This is certainly an encouragement to him to continue his work, with the hope that in time it will gain the proper recognition and proper attention which he thinks this great work of the sixth century should receive at the hands of all scholars and even laymen.

In revising this volume the translator had in mind the many criticisms which have been passed upon his effort and which have appeared in various papers throughout different countries, but he gave his attention to those only which were not prompted by animosity and jealousy. He begs to call the attention of all critics to the dictum of the Talmud, "Kal Hat'haloth Kashoth" (all beginnings are difficult); for, bearing this in mind, they would no doubt have been more moderate.

The translator will be very grateful to critics who will call his attention to any mistakes made in the translation of the original text. However, he will positively ignore criticisms of the kind described above.

The translator further hopes that this and the succeeding volumes will meet with the favor and approval of the public, which will be sufficient reward to repay him for his efforts.

M. L. R.

New York, June, 1901.

EDITOR'S PREFACE.

[*To the first edition.*]

THE Hebrew edition of Rosh Hashana contains an elaborate introduction in three chapters, the translation of which does not appear as yet. Its contents include many important rules which we have followed in the entire work, but we do not feel called upon at this time to engross the time of the English reader by reciting them. We, however, deem it a duty to say a few words, so that the reader may understand our position and the reason why we have undertaken a work which will probably be productive of much adverse criticism in certain quarters.

The fate of the Talmud has been the fate of the Jews. As soon as the Hebrew was born* he was surrounded by enemies. His whole history has been one of struggle against persecution and attack. Defamation and deformation have been his lot. So, too, has it been with the Talmud. At the beginning of its formative period, viz., the development of the Mishna, it was beset by such enemies as the Sadducees, the Boëthusians, and other sects, not to mention the Roman Government.† When its canon was fixed, the Karaites tried to destroy or belittle its influence, and since that time it has been subjected to an experience of unvarying difficulty. Yet, with remarkable truth, the words of Isaiah [xliii. 2] may be applied to both: "When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee; when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee." There is, however, one point concerning which this simile is not true. The Jew has advanced; the Talmud has remained stationary.

Since the time of Moses Mendelssohn the Jew has made vast strides forward. There is to-day no branch of human activity in

* *Vide* Genesis, xliii. 32.

† In our forthcoming "History of the Talmud" the reader will find all details of the persecution, until the present time, in twenty chapters.

which his influence is not felt. Interesting himself in the affairs of the world, he has been enabled to bring a degree of intelligence and industry to bear upon modern life that has challenged the admiration of the world. But with the Talmud it is not so. That vast encyclopædia of Jewish lore remains as it was. No improvement has been possible; no progress has been made with it. Issue after issue has appeared, but it has always been called the Talmud Babli, as chaotic as it was when its canon was originally appointed.* Commentary upon commentary has appeared; every issue of the Talmud contains new glosses from prominent scholars, proposing textual changes, yet the text of the Talmud has not received that heroic treatment that will alone enable us to say that the Talmud has been improved. Few books have ever received more attention than this vast storehouse of Jewish knowledge. Friends and enemies it has had. Attack after attack has been made upon it, and defence after defence made for it; yet whether its enemies or its defenders have done it more harm it would be hard to tell. Not, forsooth, that we do not willingly recognize that there have been many learned and earnest spirits who have labored faithfully in its behalf; but for the most part, if the Talmud could speak, it would say, "God save me from my friends!" For the friends have, generally, defended without due knowledge of that stupendous monument of rabbinical lore; and the enemies have usually attacked it by using single phrases or epigrams disconnected from their context, by which method anything could be proven. In both cases ignorance has been fatal. For, how many have read the whole Talmud through and are thus competent to judge of its merits? Is it right to attack or defend without sufficient information? Is it not a proof of ignorance and unfairness to find fault with that of which we are not able to give proper testimony?

Let us take the case of those persons in particular who attacked the Talmud and made it the object of their venomous vituperation. Is it possible that they could have believed it a work capable of teaching the monstrous doctrines so frequently attributed to it, when that work says, among other things, "When one asks for food, no questions shall be asked as to who he is, but he must immediately be given either food or money"? Could a work be accused of frivolity and pettiness that defines wickedness to be

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* *Vide* Brief Introduction.

"the action of a rich man who, hearing that a poor man is about to buy a piece of property, secretly overbids him"? (Qiddushin, 59*a*.) Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz. When the rabbi's son took the money on one occasion he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba: "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum?" (Ketuboth, 7*a*.) This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and such as never studied it. When it is remembered that before the canon of the Talmud was finished, in the sixth century,* it had been growing for more than six hundred years, and that afterward it existed in fragmentary manuscripts for eight centuries until the first printed edition appeared; that during the whole of that time it was beset by ignorant, unrelenting, and bitter foes; that marginal notes were easily added and in after years easily embodied in the text by unintelligent copyists and printers, such a theory as here advanced seems not at all improbable.

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Palestine, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox, not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, *e.g.*, New Year's Day, Pentecost (so far as its date and significance are concerned), the QADDISH, etc. The modern Jew is the product of the Talmud,

* According to others, in the eighth century. See our "History of the Talmud."

which we shall find is a work of the greatest sympathies, the most liberal impulses, and the widest humanitarianism. Even the Jewish defenders have played into the enemy's hands by their weak defences, of which such expressions as "Remember the age in which it was written," or "Christians are not meant by 'gentiles,' but only the Romans, or the people of Asia Minor," etc., may be taken as a type.

Amid its bitter enemies and weak friends the Talmud has suffered a martyrdom. Its eventful history is too well known to require detailing here. We feel that every attack on it is an attack upon the Jew. We feel that defence by the mere citation of phrases is useless and at the best weak. To answer the attacks made upon it through ludicrous and garbled quotations were idle. There is only one defence that can be made in behalf of the Talmud. Let it plead its own cause in a modern language!

What is this Talmud of which we have said so much? What is that work on which so many essays and sketches, articles and books, have been written? The best reply will be an answer in negative form. The Talmud is not a commentary on the Bible; nor should the vein of satire or humor that runs through it be taken for sober earnestness.* Nor is the Talmud a legal code, for it clearly states that one must not derive a law for practical application from any halakhic statement, nor even from a precedent, unless in either case it be expressly said that the law or statement is intended as a practical rule [Baba Bathra, 130*b*]. Further: R. Issi asked of R. Jo'hanan: "What shall we do if you pronounce a law to be a Halakha?" to which R. Jo'hanan replied: "Do no act in accordance with it until you have heard from me, 'Go and practice.'" Neither is the Talmud a compilation of fixed regulations, although the Shul'han Arukh would make it appear so. Yet, even when the Shul'han Arukh will be forgotten, the Talmud will receive the respect and honor of all who love liberty, both mental and religious. It lives and will live, because of its adaptability to the necessities of every age, and if any proof were needed to show that it is not dead, the attacks that are with remarkable frequency made on it in Germany might be given as the strongest evidence. In its day the Talmud received, not the decisions, but the debates of the leaders of the people. It was an independent critic, as it were, adapting itself to the spirit of the times; adding where necessary to the teachings of former

* See our article, "What is the Talmud?" in the prospectus.

days, and abrogating also what had become valueless in its day. In other words, the Talmud was the embodiment of the spirit of the people, recording its words and thoughts, its hopes and aims, and its opinions on every branch of thought and action. Religion and Ethics, Education, Law, History, Geography, Medicine, Mathematics, etc., were all discussed. It dealt with living issues in the liveliest manner, and, therefore, it is living, and in reading it we live over again the lives of its characters.

Nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopædia. Do not imagine it is the bigoted, immoral, narrow work that its enemies have portrayed it to be. On the very contrary; in its statements it is as free as the wind. It permits no shackles, no fetters to be placed upon it. It knows no authority but conscience and reason. It is the bitterest enemy of all superstition and all fanaticism.

But why speak for it? Let it open its mouth and speak in its own defence! How can it be done? The Talmud must be translated into the modern tongues and urge its own plea. All that we have said for it would become apparent, if it were only read. Translation! that is the sole secret of defence! In translating it, however, we find our path bristling with difficulties. To reproduce it as it is in the original is in our judgment an impossible task. Men like Pinner and Rawicz have tried to do so with single tracts, and have only succeeded in, at the best, giving translations to the world which are not only not correct but also not readable. If it were translated from the original text one would not see the forest through the trees. For, as we have said above, throughout the ages there have been added to the text marginal notes, explanatory words, and whole phrases and sentences inserted in malice or ignorance, by its enemies and its friends.* As it stands in the original it is, therefore, a tangled mass defying reproduction in a modern tongue. It has consequently occurred to us that, in order to enable the Talmud to open its mouth, the text must be carefully edited. A modern book, constructed on a supposed scientific plan, we cannot make of it, for that would not be the Talmud; but a readable, intelligible work, it can be made. We have, therefore, carefully punctuated the Hebrew text with modern punctuation marks, and have reëdited it by omitting all such irrelevant matter as inter-

* In others of our works we have named some of these interpolators.

rupted the clear and orderly arrangement of the various arguments. We have also omitted repetitions; for frequently the same thing is found repeated in many tracts; while in this translation each statement is to be found only once, and in the proper place for it. In this way there disappear those unnecessary debates within debates, which only serve to confuse and never to enlighten on the question debated. Thus consecutiveness has been gained, but never at the expense of the Talmud, for in no case have we omitted one single statement that was necessary or of any importance. In other words, we have merely removed from the text those accretions that were added from outside sources, which have proven so fruitful a source of misunderstanding and misrepresentation.

We continue our labors in the full and certain hope that "he who comes to purify receives divine help," and that in our task of removing the additions made by the enemies of the Talmud we shall be purifying it from the most fruitful source of the attacks made on it, and thereunto we hope for the help of Heaven. As we have already said, we feel that this work will not be received everywhere with equal favor. We could not expect that it would. Jewish works of importance have most usually been given amid "lightning and thunder," and this is not likely to prove an exception.

We are always ready to accept criticism, so long as it is objective, and we shall gladly avail ourselves of suggestions given to us, but we shall continue to disregard all *personal* criticism directed not against our work but against its author. This may serve as a reply to a so-called review that appeared in *one* of our Western weeklies.

At the same time we deem it our duty to render to *Dr. Isaac M. Wise*, the venerable President of the Hebrew Union College of Cincinnati, our heartfelt thanks for the several evenings spent in revising this volume, and for many courtesies extended to us in general.

THE EDITOR.

CINCINNATI, May, 1896.

BRIEF GENERAL INTRODUCTION

TO THE

BABYLONIAN TALMUD.

On this, the appearance of our latest literary undertaking, we deem a few explanatory remarks necessary. The brief outline of the origin of the Talmud that follows may suggest the thought that we have departed from the usual manner of dealing with the questions here discussed, the more so since we have, for the sake of brevity, refrained from citing the authorities on which our statements are based. We wish, therefore, to declare here that we do not venture to make a single statement without the support of authorities well known in Hebrew literature. Our method is to select such views as seem to us the best authenticated in the historical progress of Judaism. As we have taken our choice from the numerous works on our subject, the student is entitled to adopt or to reject the views that we represent.

Most of the Mishnayoth date from a very early period, and originated with the students of the Jewish academies which existed since the days of Jehoshaphat, King of Judah [II Chron. xvii. 9].

The rabbinical students of ancient times noted the essence of the academical teachings in brief form, and, as a rule, in the idiom in which it was spoken to them, so that they could afterward easily commit it to memory. They have sometimes, however, added comments and extensive explanations in the form of notes, so that the mass of their learning, embraced in course of time, according to some authorities, as many as six hundred divisions.

The source of the Mishnayoth was the customs and regula-

tions practised by the authorities in their administration of religious and civil affairs: such as the Sabbath, Prayers, Cleanliness (considered actually Godliness), Permitted and Forbidden Foods, and controversies arising concerning Slavery. Indebtedness and corporal punishment are subjects of academical discussion, conducted with the aim of perfecting them into national statutes enforcible in all Jewish communites alike.

In course of time, however, when those Mishnayoth were noted down from earlier existing copies, many additions were made. Finally Rabbi Jehudah the Prince, generally called Rabbi, concluded to collect all the Mishnayoth in his college for proper arrangement. From these he selected six divisions, called according to the subject they deal with, viz.: Seeds, Feasts, Women, Damages, Sacrifices, and Purifications, and he proclaimed them holy for all Israel. Of the Mishnayoth so treated by Rabbi some were left entirely intact, and were reproduced in their original form. To others he parenthetically added brief comments of his own, and there are still others that he changed in form completely, because already in his day old customs had changed and taken new forms.

Such of them as he desired to make final and indisputable national laws he incorporated into the Mishna without mentioning the names of their authors. Where, however, he could formulate no definite decision himself, or where they were well known to the public, he gave full information of their authors as well as the names of those opposed to their conclusions, without any decision on his part. In still others he mentioned no names, but contented himself with saying "A'herim," *i.e.*, "Anonymous teachers say," not wishing to specify their authority for certain reasons.

Rabbi did not seek the compliance and agreement of all his contemporaries in his arrangement of the Mishna, and many differed from his conclusions and even arranged Mishnayoth in accordance with their own views. Being, however, a man of great prominence, influence, and wealth, Rabbi succeeded in quelling opposition and in making his conclusions as acceptable as the Mosaic law itself; and his great pupils, seeing that his in-

tentions were only to prevent dissensions and his only aim the public weal, supported him nobly, until his teachings were accepted as the law of the nation.

Many Mishnayoth were rejected and destroyed by Rabbi, but, not being in possession of all those he wished to destroy, he went in search of them to colleges outside of his jurisdiction. There, however, he met with great opposition. Some of the Mishnayoth were hidden beyond his reach, others were secretly preserved and arranged within the very limits of his domain and promptly brought to light after his death. But Rabbi's pupils did not dignify them with the name MISHNA, implying "next to Mosaic law,"* but called them TOSEPHTOTH, meaning "additions of a later period," or merely *additional*, not *principal*, matter. Some of them were also named BORAITHOTH (outsiders), *i.e.*, secondary, not academical matter. They spread, however, very rapidly after Rabbi's death, and to such an extent as to threaten the Mishnayoth of Rabbi with entire extinction. Such would actually have been the result, had not the pupils of Rabbi organized again colleges whose aim was to perpetuate the Mishnayoth of Rabbi, which they also accomplished. Colleges of that character were those of Rabh and Samuel in Babylon and Rabbi Janai and Rabbi Jo'hanan in Palestine. These colleges made strenuous efforts to explain and harmonize the Mishnayoth of Rabbi with the teachings of the Boraithoth, generally regarded as those of Rabbi Hyya and Rabbi Oshia, who were greatly admired by the public. At times the Mishna of Rabbi was abbreviated and replenished with the text of the Boraitha, or explained with an opposing opinion, so as to harmonize it with the latter or suit the new conditions and consequent changes of the custom that originally caused the conclusion of the Mishna. Where, however, they found no other way to suit their purpose, they inserted a new Mishna of their own composition into the text of Rabbi.†

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* See Mielziner's "Introduction to the Talmud," page 6.

† This was done by Rabh and R. Jo'hanan, the heads of the colleges in Babylon and Palestine; and in many passages of the Talmud the latter exclaims: "This

The teachers mentioned in the Mishna of Rabbi or in the Boraithoth and Tosephta were called Tanaim (*singular* Tana) signifying Instructors, Professors. The teachings of the colleges, covering a period of some centuries, which also found adherents and became the traditional law, were called GEMARA, signifying "conclusion." The intention was to harmonize Mishna and Boraitha, and, in most cases, to arrive at a final decision as to the proper interpretation of the theory of the law (as Rabbi Jo'hanan prohibited compliance with the Halakha unless it is mandatory). These Gemara teachers were called AMORAIM (interpreters), *i.e.*, they interpreted to the public the difficult passages in the Mishna. Being classified as interpreters only, they had no authority to deviate from the spirit of the Mishna unless supported by another Tana opposing the Mishna, in which case they could follow the opinion of the Tana with whom they agreed. Rabhina and R. Ashi, who lived at the end of the fifth century (third century of Amoraim), began to arrange the Gemara, but without success, and commenced a second time to arrange it. Unfortunately they died before accomplishing their task, and the Gemara had to undergo the chances of transmission from hand to hand until the appearance upon the scene of Rabana Jose, president of the last Saburaic College in Pumbeditha, who foresaw that his college was destined to be the last, owing to the growing persecution of the Jews from the days of "Firuz." He also feared that the Amoraic manuscripts would be lost in the coming dark days or materially altered, so he summoned all his contemporary associates and hastily closed up the Talmud, prohibiting any further additions. This enforced haste caused not only an improper arrangement and many numerous repetitions and additions, but also led to the "talmudizing" of articles directly traceable to bitter and relentless opponents of the Talmud. The time (Rabana Jose conducted his college only seventeen years) being too short for a proper and critical review of

Mishna was taught in the time of Rabbi!" which means that Rabbi himself was not aware of it. See Weiss' "Traditions of the Oral Law," under the head "Mishna and Rabbi."

each and every subject, many theories were *surreptitiously* added by its enemies, with the purpose of making it detestable to its adherents. Of such character is the expression, "That of R. Ashi is a fabrication," which is repeated numerous times throughout the Talmud and which could by no means have originated with the Amoraim, who as a rule were very guarded in their expressions and would never have dreamed of applying it or similar expressions to such Talmudical authorities as R. Ashi and Mar, his son, much less to the Patriarchs or the Prophets. This closing up of the Talmud did not, however, prevent the importation of foreign matter into it, and many such have crept in through the agency of the "Rabanan Saburai" and the Gaonim of every later generation.

The chief aim of the authors of the Gemara being to perpetuate the Mishna as the sole source of the Jewish religious and civil code after the Mosaic laws themselves, they not only directed all their energy to the discussion and perfecting of its deductions, but treated its very words and letters as inspired and as holy as the Bible itself, forming at times conclusions from a superfluous word or letter. Oftentimes, when they found the Mishna differing with an established custom in their days, they resorted to subtle inquiry and minute discussion, until they succeeded in establishing harmony between the differing points. All these efforts were directed to refute and disprove the assertions of the different sects who opposed the oral law and who were inclined to adhere to the written law solely. Therefore the Rabbis of the Gemara said "MINALAN?" (Wherefrom its source?) or "MINOH HANNE MILI?" (which means "Whence is all this deduced?") in the treatment of a subject not plainly specified in the Bible; and also the exclamatory remark "PESHITA!" (It is self-evident!) as regards subjects plainly enumerated in the Scriptures which do not admit of any other interpretation. Of the same origin is the question "LEMAI HILKHETHA?" (For what purpose was this Halakha stated?) with reference to an obsolete custom. So much for the general history of the Talmud.

INTRODUCTION TO TRACT SABBATH.

WITH this tract we commence the translation of the section of the Talmud called *Moed* (Festivals), containing the following tracts: Sabbath, Erubhin, Rosh Hashana, Yuma, Shekalim, Sukkah, Megillah, Taanith, Pesachim, Betzah, Hagigah, and Moed Katan. All these tracts are entirely devoted to precepts pertaining to the observance of the festivals and Sabbath, such as the performance of the different ritual ceremonies on feast-days, the manner of sanctifying the Sabbath, and the ordinances relating to mourning for the dead both on Sabbath and week-days.

The commandments on which these precepts are founded, or from which they are derived, are contained in various portions of the Pentateuch. The fourth commandment of the Decalogue enacts (Exod. xx. 8–11 and Deut. v. 12–15): "The seventh day shall ye keep holy." In various other parts of the Pentateuch the due observance of the Sabbath is repeatedly ordained; in some instances merely mentioning the day as one to be kept inviolate and holy; and in others employing greater emphasis, referring to the history of creation, and establishing the observance as a sign of the covenant between the Lord and Israel. Such texts are Exod. xiii. 12; xvi. 15; xxxi. 13–17; xxxiv. 21; xxxv. 1–3; Lev. xix. 29; xxiii. 32; Num. xv. 9, etc. While the general principle is thus frequently inculcated, its special application, however, and specific enactments as to what constitutes a violation of the Sabbath, are nowhere fully carried out in the Pentateuch, and thus but few texts of the Scriptures serve as a direct basis for the minute and numerous enactments of the rabbinical law.

The Mishna enumerates thirty-nine "Abhoth" or principal acts

of labor, the performance of any one of which constitutes a violation of the Sabbath. Every other kind of work becomes illegal only if it can be classified under one or any of these principal acts of labor. Thus, for instance, under the principal act of ploughing, every analogous kind of work, such as digging, delving, weeding, dunging, etc., must be classified. In addition to these thirty-nine principal acts and their accessories and derivatives, there are other acts which are especially prohibited by the rabbinical law as tending to violate the Sabbath rest (Shbhuth). For the violation itself various degrees of culpability are established, and various degrees of punishment awarded. All these subjects relating to the due observance of the Sabbath, and pointing out its violation in every possible way, form the contents of the treatise Sabbath.

In order properly to understand the Mishna, and to avoid tedious repetitions, it is necessary to commence with the explanation of certain general principles and technical expressions predominating in the text.

Wherever throughout the Mishna the expression guilty, culpable (Hayabh), or free (Patur) is used, the meaning of the former (guilty) is that the transgressor acting unintentionally must bring the sin-offering prescribed in the law; of the second expression (free), that the accused is absolved from punishment.

If through the performance of an unprohibited act some other (prohibited) occupation is inadvertently entered upon, it constitutes no offence, providing the latter is not done intentionally nor the lawful occupation entered upon with the covert purpose of making it serve as a subterfuge to do that which is prohibited.

In the degrees of violation the nature of the occupation must be considered, as various kinds of labor may be required to perform and complete one act, and thus the offender may become amenable to several penalties. On the other hand, the rule is laid down that such occupations as only destroy, but do not serve an end in view, do not involve culpability (in the rigorous sense of the word); nor yet does work which is but imperfectly or incompletely performed involve culpability.

The prohibition to carry or convey any object from one place

to another, which in Chap. I., § 1, of this treatise is called "Yetziath (Ha) Shabbath" (which means transfer on the Sabbath) and forms the thirty-ninth of the principal acts of labor, requires particular attention and explanation from the complexity of cases to which it gives rise. All space was by the Tanaim divided into four distinct kinds of premises, explained in the Gemara of this chapter. When in the text of the Mishna the question is about carrying and conveying from one place to another, it does not apply to the "free place," as that is subject to no jurisdiction. Moreover, the open air above private property has no legal limitation, whereas that over public property or unclaimed ground (carmelith) only belongs thereto to the height of ten spans (see explanation of the Gemara). The carrying or conveying from one kind of premises to another does not constitute a complete or perfect act, unless the same person who takes a thing from the place it occupies deposits it in another place.

The tracts Sabbath and Erubhin will contain the laws for the observance of rest on Sabbath, and these laws can be divided into two separate parts. Firstly, the part prohibiting labor on the Sabbath day, at the same time defining what is to be termed labor and what does not constitute an act of labor; and secondly, the part ordaining how the day is to be sanctified and distinguished from a week-day in the manner of eating, drinking, dress, lighting of candles in honor of the Sabbath, and incidentally the lighting of candles in honor of the festival of 'Hanukah (the Maccabees).

It has been proven that the seventh day kept holy by the Jews was also in ancient times the general day of rest among other nations,* and was usually spent by the people of those days in much the same way as it is spent now, wherever local laws do not restrict buying and selling, namely: In the forenoon prayers were recited and the necessities of life for the day were bought, while

* In a table compiled by Rev. A. H. Lewis, Alfred Centre, N. Y., 1884, in his work entitled "Biblical Teachings, concerning the Sabbath and the Sunday," it is shown that among nearly all nations the Sunday is the first and the Sabbath the seventh day of the week.

the afternoon was devoted to pleasure-seeking, merrymaking, visiting, and so forth. The Jews living prior to the time of Ezra and Nehemiah, and even during the latter's régime, were wont to spend the Sabbath in the same manner as their pagan neighbors. It was this fact that caused the sages of Nehemiah's time to fear that should the Jews, who were always in the minority as compared with other nations, continue this method of keeping the Sabbath and join in the merrymaking and pleasures of their neighbors, mingling freely with their sons and daughters, assimilation was almost inevitable, especially as the Jewish race was scattered over all the known world and was nowhere in very large numbers.

The sages then devised means to keep the Jew from mingling with the Gentile and from participating in the pleasures and carousals of his neighbors. This can be seen from Nehemiah, xiii. 1–26: "In those days saw I in Judah *some* treading wine-presses on the Sabbath," etc. "In those days also saw I Jews that had married wives of Ashdod, of Ammon, and of Moab," etc. "Ye shall not give your daughters unto their sons nor take their daughters unto your sons, or for yourselves." Thus we see that Nehemiah began by prohibiting traffic and the carrying of burdens on the Sabbath [ibid. xiii. 19] and ended by prohibiting intermarriage with foreign women. About this time also another prophet, the second Isaiah—who, though not possessing the temporal power of Nehemiah, was gifted with that persuasive eloquence that appealed to the heart—preached against indulging in pleasures on the Sabbath day. He says [Isaiah, lviii. 13–14]: "If thou turn away thy foot from the Sabbath" (meaning if thou keep away from drinking-places, dancing-houses, etc., on the Sabbath and follow not the custom of other nations), "and call the Sabbath a delight" (meaning the *rest* on the Sabbath shall constitute thy pleasure), "the holy of the Lord, honorable; and shalt honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words. Then shalt thou delight thyself in the Lord; and I will cause thee to ride the high places of the earth, and feed thee with the *heritage* of Jacob *thy father;* for the mouth of the Lord hath spoken it." (The inference is very

plain. The prophet wishes to impress the Jew with the fact that the Lord will reward those with the heritage of Jacob who have kept away from mingling with the pleasures of other nations. Read ibid. lvii., especially verses 10, 11, and 12.)

After the establishment of a permanent government among the Jews, however, it was found that the exhortations of the prophets after the manner of Isaiah were of no avail; the people still continued seeking pleasures on the Sabbath, after the manner of other nations, and were still wont to enjoy the pastimes of their neighbors. The enforcement of the prohibition of carrying burdens was then decided upon to act as a check upon the people by defining minutely the meaning of burdens, and the prohibition was interpreted to include not only heavy burdens, but all portable articles, such as money, trinkets, eatables, etc., while only necessary articles of clothing and apparel were permitted to be worn. To such an extent was the matter carried that even the wearing of rings, with the exception of such as had the name of the wearer engraved upon them, was not permitted. In fact, everything that could be converted into money was included in the definition of burdens. Beggars were not permitted to solicit alms on the Sabbath, contrary to the customs of other nations, so as not to afford any one an excuse for carrying money on that day.

The enforcement of such a law, however, was practically impossible in the case of people who remained in their houses, and certain modifications were made. These modifications were as follows: The laws were made to apply only on public grounds but were not valid on private grounds, so that in a private house a person was permitted to carry whatever was necessary. Private grounds were also established by the institution of Erubhin, *i.e.*, where a street or a public place was inhabited by Jews alone a small amount of meal was collected from each household; from the meal a cake was made and hung conspicuously in that locality. The point where the street inhabited by Jews alone commenced and the point where it ended were joined by a piece of twine, and thus definitely marked. Thus public grounds were turned into private grounds, from the fact that each household

contributing a share of meal made them all in a manner copartners in one object. The walking of more than two thousand ells outside of the city limits was also prohibited. Within the city limits, be the city ever so large, walking was permitted.

The possibility of confinement in the house on the Sabbath becoming conducive to the performance of labor was offset by the establishment of a law prohibiting all the different modes of labor used in the construction of the tabernacle, besides all manner of agricultural labor. This again brought about the detailing of all the different modes of labor employed in the construction of the tabernacle and in agriculture, all of which is discussed in these treatises of Sabbath and Erubhin.

Naturally the institution of laws carries with it provisions for the penalties attending their infraction, and these penalties were divided into three classes:

First, the penalties for unintentional infractions.

Secondly, for intentional infractions.

Thirdly, for intentional violations where the violator had been previously forewarned of the penalty by two witnesses.

The penalty for the first class of infractions was simply the sacrificing of a sin-offering, which, however, involved a great many hardships, as the culprit had to bring the sin-offering to the temple in Jerusalem in person, and was frequently compelled to travel quite a distance in order to do so, besides sustaining the loss of the value of the offering.

For the second class, if two witnesses testified before the tribunal that the culprit had labored on the Sabbath, and the culprit admitted that he had done so intentionally, no penalty was inflicted by the tribunal, but the person was told that he would be punished by the heavenly power with the curse of Karath (shortening his allotted time of existence on earth). No penalty was inflicted, for the reason that, the culprit having made himself liable to severe punishment from superhuman sources, it served as an excuse to absolve him from human punishment.*

* Because it is a rule of rabbinical law that, of two punishments incurred by one act, the severer one is meted out Qâm lêh bid'rabba minêh.

For the third class, however, when the culprit openly defied the existing authority and in spite of forewarnings persisted in violating the law, he was considered a traitor to the government, to be sentenced to death by stoning, as was the wood-gatherer [Numbers, xv. 32].

It is upon these laws that the discussions in the treatises Sabbath and Erubhin are based, and in addition the reader will find many ethical laws, legends, and the enumeration of such enjoyments as are permitted on the Sabbath day and the festivals.

In addition to the above we would make the following citations from the text of the Talmud, as a necessary feature of the introduction:

I. We find in the Tract Sabbath, 61*b* and 96*b*, the story of the mysterious scroll which Rabh claimed to have found in the house of his uncle, R. Hyya. This scroll referred to the principal acts of labor prohibited on the Sabbath, which were forty less one. Rabh discovered in this scroll the statement of R. Issi b. Jehudah to the effect that although thirty-nine principal acts of labor are enumerated, only one of them makes a man actually culpable. The Gemara then amends this statement and declares that it should read: "One of the thirty-nine does not involve culpability," but does not mention which one it is. Consequently it remains doubtful which act it is that does not involve culpability, and where a doubt exists as to whether an act is prohibited or not no punishment can be inflicted for its commission. From this, two things may be inferred: First, that these acts of labor were prohibited for political reasons, because the mystery was extant, and we find the term mystery applied to political cases only; and second, that the Gemara declares in the same passage that the carrying of an object from public ground into private ground is not one of the doubtful acts and a penalty is prescribed in the event of its being committed. Hence the object was to prevent the assimilation explained above.

II. We find in Yebamoth, 90*b*: "R. Eliezer b. Jacob said: 'I have heard that a man was found riding a horse on Sabbath in the time of the Greeks, and being brought before the tribunal for

the crime was stoned to death.' This man was punished, not because his crime merited the penalty, but because the times made it necessary." The inference is therefore clearly established that the man was punished for political reasons, and that the violation of the Sabbath laws did not involve capital punishment.

III. In Yoma, 85*b*, it is written: "R. Jonathan b. Joseph said, 'The Sabbath is holy unto you,'" implying that the Sabbath is handed over to you and not you to the Sabbath.*

IV. R. Johanan states elsewhere that in Palestine, where the Jews were together, no public ground existed.

MICHAEL L. RODKINSON.

CINCINNATI, March, 1896.

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* This is taken from Mechilta, an authority older than the Talmud, and stands in no connection with the Halakha. Furthermore, the mystic scrolls may in some instances have had reference to political necessities of the day, but by no means in all cases.—*The Reviser.*

SECTION MOED (FESTIVALS).

SYNOPSIS OF SUBJECTS

OF

VOLUME I.—TRACT SABBATH.

SYNOPSIS OF SUBJECTS.

SEVERAL requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index, not even the portions which have been translated.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i.e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one; and where a chapter is short and has but one subject, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.

CHAPTER I.

MISHNA *I.* Regulations concerning prohibited and permitted acts of transfer over the dividing line of adjoining premises and the area of such premises; the classification of premises; in which premises transfer is permitted; laws of transfer of labor, when committed by the joint efforts of two persons; transfer from and to doorsteps, ... 1–13

MISHNA *II.* Whether work may be commenced at the approach of the time for afternoon prayer; what kind of work is referred to; how a man should pray; what he must wear; when he may eat his midday meal; the

informing of the bestowal of gifts; Sabbath as a valuable gift of God and its origin; various legends of Rabha bar Ma'hassia in the name of Rabh, ... 13–19

MISHNA *III.* Tailors and other artisans are not permitted to go out with their tools on Friday near eventide. Treats also on whether one may read by lamplight on the Sabbath; the laws of visiting the sick; what prayers may be offered for the sick, ... 19–22

MISHNAS *IV.* TO *VI.* How the eighteen famous ordinances were instituted in the attic of Hananya ben Hyzkiyah ben Gorion, and by whom the Roll of Fasts was written. Which acts of labor may be commenced on Friday eve; concerning labor which is accomplished without assistance of man on Sabbath; laws concerning labor which is accomplished without assistance of man on Sabbath; laws concerning work given to Gentiles. Narrative of R. Simeon ben Gamaliel concerning how his father's house dealt with Gentile clothes-washers. On transmission of letters and journeying on ships on the Sabbath. Regulations pertaining to the roasting of meats and baking of bread before the Sabbath; the sacrifices at the Temple on the Passover. Appendix to p. 8, ... 22–30

CHAPTER II.

MISHNAS *I.* AND *II.* Permissible and non-permissible oils and wicks for lamps on the Sabbath and 'Hanukah (feast of Maccabbees); the law of the 'Hanukah lights; 'Hanukah and the miracle; the duration of 'Hanukah; benedictions to be said on that festival; the reward of those who keep the Sabbath-light commandment; the reward of those who esteem scholarship. The second Mishna treats on: What balsams may and may not be used both for light and for the person on the Sabbath; a narrative of a woman who hated her daughter-in-law; who may be called a rich man, . 31–42

MISHNAS *III.* TO *V.* What wicks made from parts of trees may be used; whether broken vessels may be used for fuel on a biblical feast day; what may be done with the residue of oil left in a lamp; practical laws of egg-shells and whether chairs may be dragged on the floor on Sabbath. The different opinions of R. Eliezer and R. Aqiba concerning the defilement of a piece of cloth, and if it is allowed to make a wick of it. What happened with R. Jehudah in the Hall of Beth Nitza and with Abhin of Ziphoris, who committed certain acts which were not allowed, in the presence of the sages, ... 42–48

MISHNA *VI.* Whether a light may be extinguished on Sabbath either for fear of accident or to afford rest for the sick; the question asked R. Tan'hum of Nav and his replying sermon; the soul being called the "Light of God"; the intended concealment of the Book of Proverbs and Ecclesiastes; the Shekhina (divine presence) not resting with a man except through his joy of having performed a good deed; Rabha's custom when commencing his lectures to his disciples. R. Gamaliel's sermon and answers to the disciple who derided him. The story of the three proselytes rejected by Shamai and accepted by Hillel. "What is hateful to thee, do not unto thy neighbor; that is the law. All else is but a commentary." The six sections of the Mishna are inferred from a biblical passage. The first thing asked of a man

when standing before the divine judgment is, "Hast thou traded in good faith?" The "Fear of the Lord" is the chief principle. The wicked fear death, although mentioning it every day, ... 48–53

MISHNAS *VII.* AND *VIII.* The sins of women are passed upon when confined in childbirth, the sins of men while in danger. A good deed is committed through the agency of a meritorious person and a bad deed through the agency of the wicked; all who are about to die must repent of their sins; the defenders of man before divine judgment are repentance and good deeds. A thousandth part of one defender saves a man from the danger threatened him by a thousand accusers. The penalties imposed upon man for hating without cause; for robbery; for perverting or procrastinating justice; for destroying the law; for murder; for adultery; for idolatry; for using obscene language. The story of R. Simeon ben Johai, who remained in a cave for twelve years. The causes leading up to his concealment in the cave; his adventures after leaving the cave. The three things to be said by a man in his house on Friday eve; how they are to be said; when twilight takes place; how many signals of the horn were blown to remind the people of the advent of the Sabbath. Is there a difference between a shophar and a fife?, ... 53–62

CHAPTER III.

MISHNAS *I.* AND *II.* In which hearths or ovens victuals may be deposited on the Sabbath. The opinions of the school of Hillel and the school of Shamai concerning the same; the different opinions upon the teaching of the two schools. Victuals having once been taken out of an oven, would it be allowed to replace them? The law concerning a pot of victuals which had been forgotten and was thus cooked on the Sabbath. Usages of R. Jose on his way to Zipporah, and of R. Jehudah Hanassi when travelling. A narrative of R. Ishai while in the presence of R. Hyya the Great. The difference in law between an oven and a hearth; also, difference arising from an oven or a hearth being heated with straw or with wood, etc., . 63–67

MISHNAS *III.* TO *VII.* Customs of the people of Tiberias relative to the heating of a pitcher of cold water. Is it allowed to place a pitcher of cold water into one filled with hot water in order to heat the water; or, *vice versa*, in order to heat the water? May one wash his body in the warm water of the Tiberius springs or in water warmed on the Sabbath eve? May the entire body be washed at once or each member separately? Customs in a bath-house. Are sweat-baths permitted on the Sabbath? Incidents occurring in the bath-house of the city of B'ni Brak. Why sweat-baths were prohibited. May one warm himself by a hearth-fire? Is bathing one's self in a washtub and anointing one's self with oils permitted on the Sabbath? Usages of Rabbi Jehudah Hanassi in this matter. Is swimming in a lake permitted on the Sabbath? Incidents attending R. Zera's witnessing R. Abuhu's swimming in a lake on a Sabbath. Concerning the permissibility of pouring cold water in a muliar or antikhi, the fuel of which had been removed; or in a kettle, the hot water of which had been poured out, and the prescribed quantity of such water. Concerning the addition of spices to a pot of victuals. Concerning the permissibility of placing a vessel under a burning lamp to receive its dripping oil or falling

sparks, and the placing of a vessel under a hen to receive the egg. Ordinance relating to a corpse lying in the sun. If it is allowed to save a corpse from fire. Prayers to be offered on Sabbath over the dead. The accordance of permission to save a corpse from conflagration on the Sabbath, ... 67–74

MISHNAS *VIII.* AND *IX.* Concerning the handling of new and old lamps on the Sabbath. Ordinances relative to a bed which had been designated for the purpose of holding money on the Sabbath. The permissibility of handling a burning 'Hanukah lamp for fear of the Persians. The law of Muktza. The ordinance relative to handling a lamp on Sabbath and the dictum of Resh Lakish in Zidon. The ordinance concerning the nuptial couch. Action of R. Malkia while the guest of R. Simlai and R. Abuhu at the house of R. Joshua ben Levi and R. Johanan. The experience of R. Avia, who came to the house of Rabha and sat on Rabha's bed without removing his dirty shoes. Questions put to him by Rabha, and his replies. The law of a principal prohibited act. What R. Hanina did with a folding-bed that had become unfastened on a feast day, ... 74–82

CHAPTER IV.

MISHNAS *I.* TO *IV.* What substances may be used for the preserving of victuals. Rabba's and R. Zera's upbraiding of a slave of the Exilarch, while sojourning in the latter's house. Concerning the replacing of feathers in a pillow. Concerning the opening of a bunghead in a barrel and the making of a neckband in a shirt. Concerning the permissibility of depositing victuals in cloth and shorn wool intended for market. The derivation of the thirty-nine principal acts of labor on the Sabbath from the thirty-nine times "work" is mentioned in the Pentateuch. The law concerning branches of trees which were bound together to be used for fuel and were subsequently intended for sitting upon. R. Hanina ben Aqiba's action in such a case. The ordinance relating to the use of soap-powder and soap on the Sabbath. The necessity of washing one's hands and feet for the sake of the Creator. What is to be done with a pot that had not been covered on the eve of Sabbath? The decision of Ishmael in the matter in the presence of Rabbi. The mutual respect of the sages for one another. R. Na'hman's statement to Doen his servant, ... 83–90

CHAPTER V.

MISHNAS *I.* TO *III.* What gear animals may go out in on the Sabbath. Levi the son of R. Huna bar Hyya and Rabbi the son of R. Huna, occurrence on the road. A bridle may be worn by an ass whose behavior is bad. A bridle is allowed as a guard but not as an ornament. An ass may go out with a rug, but what is the law concerning a saddle? Ordinances relative to a feed-bag. The decision of Arioch of Babylon (Samuel) in the matter. Concerning bags tied around the udders of she-goats. The miracle that was wrought for a man whose wife died and left him a nursing child. The discussion of the rabbis about such a miracle. Narrative relating to a man whose wife was maimed. Concerning gear which may not be worn by animals on Sabbath. Peculiarities of the Hanun tree and where it may be found.

The wealth of R. Eliezer ben Azariah. Penalty for the failure to warn one's family against evil. The different signs on the foreheads of the righteous and the wicked. The seal of God. Derivation of the merits of the fathers. Is death possible without sin? Defence for Reuben and others who are mentioned in the Bible as sinners. Rabbi Hanassi's justification for David. Was David guilty of listening to slander? Consequences of David's sin. King Solomon's sin. The Archangel Gabriel's act at the time of King Solomon's marriage with Pharaoh's daughter. The most fervent penitents, 91–106

CHAPTER VI.

MISHNAS *I.* TO *III.* What garments a woman may go out in. Definition of totaphoth. Concerning the garb of slaves. May the rabbis wear their insignia of office on Sabbath? Effect of a sermon on the women of the city of Mehuza concerning ornaments in the shape of a crown. Ordinances concerning nose-bands, earrings, and finger-rings. What garments a man must not go out in. Consequences of wearing iron-bound sandals. The law of majority. How shoes are to be put on. Why one when anointing himself should first anoint the head. Law concerning amulets, both tried and untried. Ordinances concerning hairpins and perfume-bottles. Causes of poverty. The trees of Jerusalem, ... 107–117

MISHNAS *IV.* TO *IX.* Concerning bows, swords, and shields. Are they considered ornaments or is the wearing of such things degrading? Interpretation of biblical passages. Are they to be taken literally or figuratively. Rewards emanating from the proper study of the Law. Customs of scholars when discussing the Law. God's blessing upon scholars who mutually instruct one another. Regarding a man who keeps a vicious dog about his premises. Why the children of Israel were in need of forgiveness upon their return from the war with the Midianites. What garments women, young girls, and boys may go out in on Sabbath. References to cripples and to children of princes. Concerning the danger of imitating the customs of the Amorites. Occurrence at the feast given by R. Aqiba, . 117–126

CHAPTER VII.

MISHNAS *I.* TO *III.* The principal rule concerning the Sabbath. Regulations regarding children in captivity among idolaters and converts. Remaining with idolaters. Rules concerning one who was ignorant as to what labor was prohibited on the Sabbath but was conscious of the Sabbath, and *vice versa*. Concerning a man who, while travelling in a desert, had forgotten which day was Sabbath. How labor may be distinguished. Different instances of forgetfulness regarding Sabbath and the performance of labor on the Sabbath. Instances of forgetfulness in dietary matters. Instances of intentional and unintentional performance of labor, and their distinction. Enumeration of the forty, less one, acts of labor. Principal and incidental acts. The degree of guilt involved in learning magic arts. Condemnation of one who is able to acquire astronomical knowledge and neglects to do so. Another rule was laid down. Discussions concerning the carrying out of necessary things on the Sabbath and the limitation of quantity. Different kinds of food may be counted together, ... 127–142

CHAPTER VIII.

MISHNAS *I.* TO *V.* The prescribed quantities of wine, honey, and milk that may be carried out on Sabbath. The strength of different wines. Instances of stronger creatures fearing weaker ones. Why goats precede sheep in a flock. Why are she-goats not covered with a tail like sheep? Why has a camel a short tail? Why has an ox a long tail? Why are the feelers of a locust soft? What is the reason that the lower eyelids of a hen turn up? Three creatures grow stronger, etc. The quantity of rope, paper from which writing has been erased, skins, parchment, bones, loam, etc., which may be carried out on the Sabbath. Honor of man supersedes a biblical commandment. What is magic? The explanation of the verse Isaiah, xxxv. 14, ... 143–153

CHAPTER IX.

MISHNAS *I.* TO *VII.* Sayings and deductions of R. Aqiba. The day of the week and the month on which the Law was given to Israel. Assumption of authority by Moses and God's acquiescence. The name of the month on which the Israelites left Egypt, and was it an intercalary month? The compulsory acceptance of the law by the Israelites and their subsequent voluntary acceptance in the days of Xerxes of Persia. Israel's readiness to obey even before hearing. The publication of every word spoken by God in seventy languages. Comparison of the sayings of the Torah with a nobleman. The understanding of the Law is healthful, its misinterpretation is poisonous. Every word leaving the mouth of the Lord filled the world with aromatic odors. Complaints of the angels upon the ascension of Moses to heaven. Moses' answer. Satan's search for the Torah. Concerning the bearing of a slave toward his master. Rabha's lecture upon the patriarchs and their answers to the complaints of God concerning the children of Israel. Isaac's defence of the children of Israel upon the Lord's telling him that they had sinned. The quantity of spices, dyes, metals, pedler's boxes, and seeds which may be carried out on the Sabbath, . . . 154–170

CHAPTER X.

MISHNAS *I.* TO *VIII.* Rules pertaining to one who carries out things valuable to him. The quantities in which they may be carried out. The quantities in which they may be carried out by one to whom they are not valuable. Concerning eatables which are carried out of the house and left on the doorstep, and things that are carried in the left hand, on the shoulder, on the head, or in the bosom. Concerning one who, while intending to carry a thing in front, accidentally carries it on his back, or *vice versa*. Concerning the case of two men carrying out a burden which one alone was not capable of carrying. The law in that case. Concerning the case of one who carries out eatables in quantities less than the limit in a vessel. Is he culpable for carrying the vessel or not? Concerning the permissibility of paring the finger-nails of one hand by means of those of the other hand on the Sabbath. The case of one tearing off flowers from a plant in an unperforated flower-pot, ... 171–182

TRACT SABBATH.

CHAPTER I.

REGULATIONS REGARDING TRANSFER ON SABBATH.

MISHNAI.: There are two acts constituting transfer* of movable things (over the dividing line of adjoining premises, based on biblical statutes). The two acts are, however, increased to four on the inside and to a like amount on the outside of the premises (by the addition of rabbinical statutes). How so? A mendicant stands outside and the master of a house inside. The mendicant passes his hand into the house (through a window or door) and puts something into the hand of the master, or he takes something out of the master's hand and draws it back (toward him). In such a case the mendicant is guilty (of transfer) and the master of the house is free. If the master of the house passes his hand outside and puts a thing into the hand of the mendicant, or takes something out of the mendicant's hand and brings it into the house, the master of the house is culpable and the mendicant is free.† If the mendicant extends his hand into the house and the master takes something out of it, or puts something into it which is drawn to the outside by the mendicant, they are both free. If the master of the house extends his hand outside and the mendicant takes something out of it, or puts something into it which is drawn to the inside by the master, they are both free.

GEMARA: We were taught (Shebuoth, IV. 2): "The acts

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* See Jer. xvii. 21, 28, and Neh. xiii. 19. This Mishna treats of the prohibition, so strongly inculcated by the prophets, of transferring things over the line of division between various grounds or premises.

† The difference between the violation of the biblical statutes and that of the rabbinical statutes is marked by the prescription of the penalties of sin-offerings, shortening of life and capital punishment for the first-named violation, while no penalties are attached to a violation of the last-named statutes. (See Introduction.)

of transfer on the Sabbath are two, respectively four." Why is this teaching here specified as two respectively four on the inside, and two respectively four on the outside, and there no such specification was made? Said R. Papa: Here the special subject of treatment is the Sabbath, and the Mishna enumerated the cases which involve guilt and those which do not involve guilt; while there the principal subject of treatment is a different one, and he mentions only the cases that involve guilt, leaving the cases that do not involve guilt untouched. But the cases that involve guilt are those by which acts of transfer are committed, and such are only two? Nay, there are two acts of transfer from within and two from without. But the Mishna says, "Yetziath" (which in a literal sense means transfer from within)? Said R. Ashi: The Tana calls transfer from without by the same term. And for what reason? Because every act of removing a thing from its place is called Yetziah. Said Rabbina: The Mishna also bears out this sense; for it speaks of Yetziath and immediately illustrates its remark by citing a case from without. This bears it out. Rabha, however, says: He (the Tana) speaks about divided premises (whose line of division is crossed), and in this case there are only two (in each of which there may be four acts of transfer).

Said R. Mathna to Abayi: Are there not eight, even twelve (instances of transfer over the line of division)?* And he rejoined: Such transfers as involve the obligation of a sin-offering are counted; but those that do not involve such an obligation are not counted.

"*They are both free.*" Was not the act (of transfer) committed by both? Said R. Hyya bar Gamda: The act of removing the thing was committed by the joint efforts of both, and they (the rabbis) said: "It is written in the law, when a person did it" †—*i.e.*, when one person commits the act he is culpable; but when an act is committed by the joint efforts of two persons, they are both free.

Rabh questioned Rabbi: If one were laden by his friend with eatables and beverages and carried them outside (of the house), how is the law? Is the removing of his body tantamount to the removing of a thing from its place, and therefore he is culpable, or is it not so?

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* Rashi explains at length how eight or even twelve instances of transfer could occur, but, not being essential to the subject, we omit the explanation.

† Lev. iv. 27.

Said Rabbi to him: He is culpable. And this case is not like the case of removing his hand. Why so? Because (in the latter case) the hand was not at rest, while (in the former) the body (before and after removal) was entirely at rest.*

Said Rabbi Hyya to Rabh: Descendant of nobles! Did I not tell thee that when Rabbi is engaged with a certain tract ask him not about a subject (that is treated) in another tract, for he may not have that subject in his mind! And if Rabbi were not a great man thou mightest cause him shame, for he would give thee an answer which might not be right. In this instance, however, he gave thee a correct answer; as we have learned in the following Boraitha: If one was laden with eatables and beverages while it was yet light on the eve of Sabbath, and he carried them outside after dark, he is culpable; for his case is not like that of removing the hand mentioned above.

Abayi said: From all that was said above it is certain to me that the hand of a man (standing on the street) is not treated as public ground.† And I also see that (if a man stands on private ground) his hand is not to be treated as private ground. Would it be correct, then, to regard the hand as unclaimed ground? If so, would the penalty imposed by the rabbis in such a case, namely, that one should not move his hand (containing a movable thing) back (during the Sabbath day), apply in this case or not?

Come and hear the following Boraitha: If a man has his hand filled with fruit and he extends it outside (of the premises where he stands), one said he is not permitted to draw it back, and another Boraitha says he is allowed to do so. May we not assume that this is their point of dispute: the former holds that the hand is treated as unclaimed ground, and the latter thinks that it is not like unclaimed ground? Nay, it may be that both agree that the hand (as spoken of in our Mishna) is like unclaimed ground, and yet it presents no difficulty. One of the Boraithas treats of a man who had extended his hand unintentionally, and the other one treats of a man who had put forth his hand intentionally. In the former case the rabbis did not

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* Students of the Talmud will remember that while in the act of walking a man cannot be guilty of the transgression of carrying movable property. The body must be at rest. The removal of a thing by means of the hand implies a disturbance in the rest of the body.

† As illustrated in our Mishna; for if he did not deposit the thing that he had passed from the street into the house, he was not culpable.

fine him, and in the latter case they did. And if you wish, it may be said that they both speak of a case when the act was done unintentionally, and their point of differing is as to the varying premises, whether the hand may be drawn back to the ground where the man stands, or to other (private) ground that adjoins it? As Rabha questioned R. Na'hman: If the hand of a man was filled with fruit, and he extended it outside, may he draw it back to the same ground where he stands? And he answered: He may. (And may he remove his hand) to other (private) ground? Nay. And to the question, "What is the distinction?" he said: If thou wilt measure a whole kur of salt and present me with it, I shall tell thee the answer. (See footnote, Erubin, p. 79.) In the former case his design was not accomplished; in the latter, however, his design was accomplished (and it is prohibited for fear that it should be repeated).

R. Bibi bar Abayi questioned: If one has put bread into the oven, is he allowed to take it out before (it is baked and) he becomes liable to bring a sin-offering, or not?

Said R. A'ha bar Abayi to Rabhina: What does the questioner mean? Unintentionally and without remembering (that it is Sabbath), then what does the expression "allowed" mean? To whom? He is still not aware of it. On the other hand, if he did it unintentionally and afterward he remembered of the Sabbath, how can he be liable to a sin-offering; did not a Mishna state that the liability to bring such a sacrifice applies only when the failing was begun and accomplished unintentionally? Should it be understood that the act was done intentionally, then it would not involve the liability of a sin-offering, but it would constitute a crime that involved capital punishment.*

Said R. Ashi: Say, then, it is a crime that involves capital punishment. R. A'ha, the son of Rabha, taught so plainly. R. Bibi bar Abayi said: If one put bread into the oven, he is allowed to take it out before it may involve a case of capital punishment.

"*The mendicant extended his hand,*" etc. Why is he culpable? (To complete the act) there must be a transfer from a place that is four ells square and a depositing into a place of the same area, and such was not the case here. Said Rabba: Our

* All the labors that were performed at the construction of the tabernacle in the desert, as is taught in a Mishna farther on, if done on the Sabbath intentionally, involved capital punishment. The intention becomes apparent when there are witnesses to warn the perpetrator of his wrong and he does not heed them.

Mishna is in accordance with R. Aqiba's opinion, who holds that as soon as the air of a place surrounds a thing it is equal to the thing being deposited in that place. But may it not be that depositing does not require four ells, for the reason stated above, but removing does? Said R. Joseph: The teaching of this paragraph agrees (not with the opinion of R. Aqiba), but with that of Rabbi, as we have learned in the following Boraitha:

If one threw an object from one street into the other, and there was a private ground between them, Rabbi declared him culpable, and the sages freed him. Hereupon R. Jehudah in the name of Samuel said: Rabbi declared the man guilty of two offences: one for having removed the thing from its place, and one for having deposited it in another place. Hence in both, the four ells in question are not required.

But with reference to this it was taught that both Rabh and Samuel said that Rabbi's declaration of culpability treated of a case where the private ground (that divided the two streets) was roofed, for the assumption is that a house must be regarded as a solid object that fills out all the space it occupies, but not when it was unroofed?

Therefore said Rabha: (All these views can be dispensed with, as) the hand of a man (because of its value) is considered as a piece of ground four ells square. And so, also, was declared by Rabin, when he came from Palestine, in the name of R. Johanan.

R. Abhin in the name of R. Ila'a, quoting R. Johanan, said: If one threw a thing and it rested in the hands of another man, he is culpable.

Why the repetition—has not R. Johanan declared above, already, that the hand of a man is considered as a space of four ells square? Lest one say that this is only when he *intended* to put it into his hand (and the intention makes it valuable as the space in question), but not otherwise. Therefore the repetition.

The same said again in the name of the same authority: If one remains standing in his place when he receives a thing, he is culpable; but if he was moving away from his place when he received it, he is free. And so also we have learned in a Boraitha in the name of the anonymous teachers.

R. Johanan asked the following question: If one threw a thing and then moved from his place and caught it, is he culpable or not? How is this question to be understood? Said R. Ada bar Ah'bah: The difficulty is concerning the exercise

of two forces by one man, and the question was thus: If two forces were exercised by one man (in committing a prohibited act), should both parts of the act be accounted to the same, so that he should be declared culpable, or should each part of the act be considered separately, as if there were two individuals concerned, and then he is free? This question is not decided.

R. Abhin in the name of R. Johanan said: If one put his hand into the yard of his neighbor, got it full of rain water, and withdrew it, he is guilty. But to make one guilty of the act, it must consist of removing a thing from a place of four ells square, which is not the case here. Said R. Hyya b. R. Huna: It means that he took the water as it was running down a slanting wall, as Rabba taught elsewhere that removing a thing from a slanting wall made the man culpable. But (in speaking of removing an object from a slanting wall) Rabba treated on the question of removing a book, which is a stationary thing. Is it analogous to removing water that can never become stationary?

Therefore said Rabha: Our case treats when he dipped the water out of a cavity (in the wall) in question. Is not this self-evident?

Lest one say that water standing upon water is not considered stationary, he comes to teach us that it is. And this is in accordance with his theory, as follows: Water standing upon water is considered stationary; a nut, however, lying upon the surface of water is not considered so.

The same said again, in the name of the same authorities: One who was laden with eatables and beverages, entering and going out the whole day, he is not culpable until he rests. Said Abayi: And even then only if he stops for the purpose of resting; but not when he stops merely to adjust his burden on his shoulders. Whence is this deduced? From what the master said: If he stopped within the limit of four ells to rest he is free, but if he stopped to adjust the load on his shoulders he is culpable. Beyond four ells, if he stopped to rest he is culpable, but if he stopped to adjust the burden on his shoulder he is not culpable. What does this imply? It implies that one cannot be culpable unless his intention of removing was before he stopped.

The rabbis taught: If one takes anything from his store into the market through the alley-way (where the benches of market-men are situated), he is culpable; it makes no difference whether he carries, throws, or pushes it with his arm. Ben Azai, how-

ever, said: If he carries it in or out he is not culpable, but if he throws or pushes it in or out he is culpable. The same we have learned in another Boraitha.

The rabbis taught: There are four kinds of premises as regards the Sabbath—viz.: private ground, public ground, unclaimed ground, and ground that is under no jurisdiction. What is private ground? A ditch or hedge that is ten spans deep or high and four spans wide—such are absolutely private grounds. What is public ground? A country road or a wide street, or lanes open at both ends—such are absolutely public grounds. [So that in these two kinds of premises nothing must be carried from one to the other; and if such was done by one unintentionally, he is liable to a sin-offering; if, however, intentionally, then he is liable to be "cut off," or to suffer the extreme penalty (at the hands of human justice).]

A sea, a valley of fields, the front walk (before a row of stores), and unclaimed ground are neither like public nor like private ground. [Nothing should be carried about there to start with; but if one has done it, he is not culpable. Nor should anything be taken out of these grounds into public or private ground, or brought in from the latter into these grounds; but if one has done so, he is not culpable. In adjoining courtyards of many tenants and alleys that are open at both ends, where the tenants have made it communal property,* carrying things is allowed; however, it is not allowed when such is not done. A man standing on the door-step† may take things from or give things to the master of the house; so also may he take a thing from a mendicant in the street or give it to him; but he must not take things from the master of the house and hand them over to the mendicant in the street, nor take from the latter and transmit to the former. Still, if this was done, all the three men are not guilty. Anonymous teachers, however, say that the door-step serves as two separate grounds: when the door is open it belongs to the inside, and when the door is closed it belongs to the outside. But if the door-step is ten spans high and four spans wide, it is considered as a premises in itself.]

The master said: "Such are absolutely private grounds."

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* The technical expression is "to make an Erubh," *i.e.*, to mix their possessions as if they were partners, as explained in Tract Erubin, I. 2.

† A door-step is regarded as ground of which the religious law takes no cognizance.

What does he intend to exclude (by this emphatic declaration)? To exclude that which R. Jehudah taught about Erubhin (p. 25).

"These are absolutely public grounds." What does it mean to exclude? To exclude another instance of R. Jehudah's teaching, concerning the enclosure of wells. (Ibid., p. 40.)

Why does not the Boraitha count the desert also, for have we not learned in a Boraitha: Public ground is constituted by public roads, wide streets, alleys that are open at both ends, and the desert? Said Abayi: It presents no difficulty. There the law was expounded as it existed when Israel dwelt in the desert; here, however, the law is taught as it prevails at the present time.

The master said: "If one has brought in or taken out a thing unintentionally," etc. Is not this self-evident? He means to say that if the culprit did it intentionally, "he is liable to be cut off," etc. Also this is self-evident? He comes to teach, because of the following statement of Rabh, who said: "I found mysterious scrolls in the possession of my uncle, R. Hyya, which read: Aysy ben Jehudah says: There are forty less one principal acts of labor. A man, however, cannot be guilty of performing but one. And to the question, How is this to be understood? the answer was: It should be corrected and read: There is one of those acts of labor for which a man is not guilty. (In consequence, however, of the omission just what particular act of labor is excluded, all of the thirty-nine remained doubtful); and the Boraitha teaches that the labor mentioned is not one of the doubtful."

Again, the master said: "A sea, a valley of fields," etc. Is that so? Have we not learned (Taharoth, VI. 7) that a valley is, in summer time, to be regarded as private ground with reference to the Sabbath, and as public ground with reference to defilement; in the rainy season, however, it is private ground in all respects? Said Ula: As a matter of fact it is unclaimed ground, but by calling it private ground the Boraitha only means to distinguish it from public ground. R. Ashi, however, said: He speaks of a valley in which there are partitions.*

"And unclaimed ground." Are not all the above-mentioned unclaimed ground? When R. Dimi came he said in the

* According to Rashi, R. Ashi means to state that even when the capacity of the valley was more than two *saoth* and no dwelling was near, which is always considered as unclaimed ground in regard to this, nevertheless it is considered as private ground, and whoever carries from it into public ground is guilty.

name of R. Johanan: The mention of "unclaimed ground" in this case is required merely to imply a corner (of a private plot) that adjoins public ground; for although at times (when the street is crowded) many people are forced into this corner, it is considered as unclaimed ground, as the public use of it is not regarded with favor. He said also in the name of the same authority: The space between the pillars and the buildings (on the side of the street) is considered by the law as unclaimed ground. Why so? Because although many walk there, still, since one cannot make his way in such space freely (the row of pillars being irregular or in a broken line), it is like unclaimed ground.

R. Zera in the name of R. Jehudah said: The benches in front of pillars are regarded as unclaimed ground (even if they are ten spans high and four spans wide). The one who holds that the space between the pillars is considered as such, will so much the more agree that the benches in front of the pillars are considered such; but he who says that the benches are so considered, may hold that this is so because the encroachment upon them is not regarded with favor. The ground between the pillars, however, which is usually trodden by many people, is like public ground.

Rabba b. Shila in the name of R. Hisda said: If one throw or plaster (an adhesible) thing against the side of a brick that is standing up in the street, he is culpable; but if he throw or plaster a thing on top of it, he is not. Abayi and Rabha both said: Provided the brick is three spans high, so that people do not step upon it; with bushes or briars, however, even if less than three spans high, one is not culpable. And Hyya bar Rabh said: Even a bush or briar must be three spans high.*

Rabba, of the school of R. Shila, said: When R. Dimi came from Palestine, he said in the name of R. Johanan: No space can be considered unclaimed ground unless it has an area of four spans square, and R. Shesheth added that it holds good up to ten spans square. What does it mean? Shall we assume that only if it has a partition of ten spans it is unclaimed ground? Has not R. Giddell in the name of R. Hyya bar Joseph, quot-

* Any space that is less than ten spans high from the ground is considered by the law as unclaimed ground, and there things may be handled on the Sabbath only as above, while on private ground things may be handled freely within the whole area over which it extends.

ing Rabh, said: A house that is not ten spans high, but which is raised to that height by the ceiling, one may handle on the roof over its entire area; inside of the house, however, only within four ells square? Therefore we must say that the statement: "It holds good up to ten spans," implies that the law of unclaimed ground is valid when the height does not exceed ten spans. As Samuel said to R. Jehudah: "Ingenious scholar! treat not on laws of the Sabbath exceeding ten spans in height." And to what does it apply? To private ground it could not apply, as it is known that private ground is so considered to the sky; hence it is only to unclaimed ground that above ten spans does not exist, as the rabbis have invested unclaimed grounds with the lenient regulations pertaining to private ground—viz.: If the place have an area of four spans square, it is unclaimed ground; if it has a lesser area, it is not subservient to any jurisdiction. And with the lenient regulations of public ground—viz.: The place is regarded as unclaimed ground only to the height of ten spans; beyond that it ceases to be unclaimed ground.

The text says: "In a house the inside of which is not ten spans high," etc. Said Abayi: If, however, one has cut in it an excavation four ells square, so as to complete the height of ten spans, one may handle things freely in the whole house. Why so? Because in such a case the entire space of the house (around the excavation) would be considered like holes on private ground, and it has been taught that such holes are regarded the same as the private ground itself. As to holes on public ground, Abayi said: They are like public ground. Rabha, however, says that they are not. Said Rabha to Abayi: According to your theory, holes on public ground are to be considered the same as the ground itself. In which respect, then, does this case differ from what R. Dimi said above (p. 8) in the name of R. Johanan? Let, according to thy opinion, such a corner be considered as a hole in public ground. Nay, the use of the corner is not considered favorable by people, while no one objects to the use of a hole in the street.

R. Hisda said: If a person erected a pole on private ground and threw something at it, if that thing rested on top of the pole, and be that pole a hundred ells high, the person is culpable, for private ground is absolutely unlimited in height. Shall we assume that R. Hisda holds in accordance with Rabbi of the following Boraitha: "If one threw a thing (in

the street) and it rested upon the smallest cornice* (of a house), according to Rabbi he is culpable, and the schoolmen say that he is not." Said Abayi: In private ground all admit the decision of R. Hisda. The case, however, in which Rabbi and the sages differ was a tree that stands on private ground with its branches reaching out into public ground, and one threw a thing which rested on a branch. Rabbi holds that the branch is part and parcel of the root, but the sages opine that we need not assume such to be the case.

Abayi said: If one threw a bee-hive which was ten spans high, but not six spans wide, into the street, he is culpable; if, however, the bee-hive *was* six spans wide, he is free (because it is considered a piece of private ground in itself). Rabha, however, said he is not, even if it be less than six spans wide. Why so? Because it is impossible for twined reed not to exceed the given height.† In case he threw the bee-hive‡ with its mouth down, even if the hive is a trifle over seven spans high, he is culpable; but if it is seven and a half spans high, he is not. R. Ashi, however, said: He is, even if it is seven and a half spans high. Why so? Because the enclosing rim of the bee-hive is made for the purpose of containing something within, and not to be attached to the ground; hence it is not included in the *Lavud* class.§

Ula said: A post nine spans high, which stands in the street, and people use it to shoulder (their burdens) on, if one threw a thing and it rested on the top of it, he is culpable. Why so? Because a thing that is less than three spans high is stepped upon by many; a thing between three and nine spans high is not used either to step or to shoulder a burden on; but if it is nine spans high, it is surely used to shoulder burdens on.

Abayi questioned R. Joseph: What is the law of a pit (of similar depth)? Said he: The same (as of the post). Rabha,

* The cornice which is spoken of above should be like the branch in this instance.

† The space above ten spans does not enter within the jurisdiction of public ground.

‡ Here a bee-hive is spoken of which is not six spans in circumference, *i.e.*, less than four spans square.

§ There is a law of Mosaic origin determining that every object that is not farther from the ground than three spans must be considered "Lavud," *i.e.*, attached to the ground. In the above case, when a bee-hive seven spans or a trifle over seven spans high is thrown to the ground, it does not become postively "Lavud" when within three spans from the ground, and is thus considered ten spans in all. The margin is too small. It must be seven and a half spans high, and when reaching the ground within three spans the hive becomes "Lavud," and being positively over ten spans high is treated as a piece of private property.

however, said: A pit of similar depth is not governed by the same law. Why so? Because the use (which is made of a thing) through compulsion is not called (a customary) use.

R. Adda bar Mathna objected to Rabha from the following Boraitha: If one intended to keep the Sabbath on public ground and deposited his Erubh in a pit less than ten spans (below the ground), his act is valid. "If he deposited it more than ten spans below the ground, his Erubh is of no value." Let us see how was the case. If the pit was more than ten spans deep, and by the saying "he deposited it less than ten spans below the ground" is meant that he raised the Erubh to a higher place, and by the saying "more than ten spans" is meant on the bottom of the pit, then, at all events, the Erubh could not be of any value; as he is in public ground, and his Erubh is in private, therefore we must say that the case was of a pit less than ten spans deep, and nevertheless the Erubh is valid; hence we see that the use of a place through compulsion can at times be considered as customary use.

The answer was that the Boraitha is according to Rabbi, who says that against things which are prohibited only rabbinically because of rest (Shebuoth) no precautionary measures are taken when they are to be done at twilight, and the prescribed time for depositing an Erubh is twilight; therefore, although the use of the pit which was less than ten spans deep was compulsory, the Erubh was nevertheless valid, because respecting twilight the rabbis are not particular.

R. Jehudah said: If one moves a bundle of reeds by raising one end and throwing it over, then raising the other end and throwing it over, he is not culpable, unless he lifts the entire bundle off the ground.

The master said: "A man standing on the door-step," etc. What is that step? If it is the step of the street, how may he "take from the master of the house"; does he not transfer from private ground into public ground? If it is the step of the house, how may he "take from the mendicant (standing in the street)"? Does he not transfer from public into private ground? And if it is unclaimed ground, how may he "take and give intentionally," since a direct prohibition to that effect exists?

Nay, the door-step is a place concerning which the law has no provision; as, for instance, it is not four spans square. It is said elsewhere by R. Dimi in the name of R. Johanan that such a thing is not under the jurisdiction.

The master said: "All three are not culpable." Would this not be an objection to Rabha, who said if one transfer an object (in public ground) from one to the other limit of four spans, even if he moves it over his head (*i.e.*, above ten spans from the ground), he is culpable? In the above-mentioned case, however, he is not.

Anonymous teachers say "a door-step," etc. Is such the case even if there is no side-beam to it? Has not R. Hamma bar Gorion in the name of Rabh said that if it is inside the door, and not even four spans square, there must still be a side-beam to make it a free place? Said R. Judah in the name of Rabh: Here the doorstep of an alley is treated of, the half of which is roofed, and the other half not roofed, and the roofing is toward the inside. In this case when the door is open it is considered like the inside, when it is closed it is like the outside. R. Ashi, however, said: The case was of a door-step of a house, but the door was topped by two beams, each of which was less than four spans wide, and between them the space was less than three spans wide, the door itself being in the middle, so that the law of Lavud applies only when the door is open, and not when it is closed; therefore when it is open the door-step is considered as the inside, and when it is closed the door-step is regarded as the outside.

"If the door-step is ten spans high," etc. This supports the theory of R. Isaac bar Abbimi, who said that R. Mair used to say: Wherever thou findest two distinct grounds belonging to the same premises (*i.e.*, to which the law of premises regarding the Sabbath applies equally), like a post in private ground, that is ten spans high and four wide, it is prohibited to shoulder (a burden) on it. As a precautionary measure (enacted by the rabbis), for fear that the same would be done with a rock of the same size that may be found in the street, and it is biblically prohibited to shoulder upon it.

MISHNA *II.*: One shall not sit down * before the hair-cutter at the approach of the time for afternoon devotion,† before

* The reference made here, that one should not sit down before the hair-cutter near the time for the afternoon prayer is a simple precaution. The exact specification for the time is to be found in Berachoth, Perek IV., M. 1.

† The following discussions may seem to have no direct connection with the ordinances pertaining to the Sabbath; however, they are included in the tract on account of their connection with the succeeding Mishna, which commences: "A tailor shall not go out with his needle when it is nearly dark on Friday." Incidentally, the injunctions concerning the time for the Min'ha are given, in order that prayer time shall not be forgotten.

reciting his prayers. Nor shall he enter a bath-room or a tannery (the same is the case with any factory or large business), or sit down to eat, or start pleading a case (before a judge). But if he has started, he need not be interrupted. One must quit his work to read Shema, but he need not stop working in order to pray.

GEMARA: What time of Min'ha does the Mishna mean? Does it mean the high afternoon * time? Why should a man not be allowed, since the day is still young? Does it mean the lesser time, and still hold that (if the man had started the work) he need not discontinue it? Shall this be taken as an objection to the opinion of R. Joshua ben Levi, who said: "When the time of afternoon prayer draws nigh, one must not partake of anything before performing his devotion"? Nay, he speaks here of the high time, and yet one shall not begin cutting his hair, as a precaution against accidents, lest his scissors break; a bath to sweat, lest he grow exhausted; a tannery, lest he notice some damage to his wares and become confused; nor shall he sit down to eat lest the meal be protracted; pleading a case of justice, lest argument be advanced that overthrows all previous arguments, and until all this is settled the Min'ha prayer will be forgotten.

From what moment does the act of hair-cutting begin? Said R. Abhin: From the moment the barber's cloth is spread over him. The act of bathing begins from the moment the coat is pulled off; tanning begins from the moment the working-apron is tied around the shoulders; a meal begins from the moment the hands are washed, so said Rabh; but R. Hanina said, from the moment one takes off his girdle. And they do not differ. Rabh spoke of the custom of his country, and R. Hanina spoke of the custom of his country.

Abayi said: According to him who holds that the evening prayer is discretionary, our Babylon colleagues, as soon as they take off their girdle for the meal, they must not be troubled to pray before meal; however, according to him who holds that even this prayer is obligatory, they must be troubled. But is

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* High afternoon (Min'ha) was the time when the regular afternoon sacrifice was offered at the temple, about an hour after midday. The lesser afternoon time was about an hour before sunset. Because the time for afternoon devotion was calculated by the offering of the "gift-sacrifice," the name of that sacrifice, "Min'ha," is used by the rabbis as a technical term to designate both the afternoon devotion and the time when it is to be performed.

not the afternoon prayer obligatory by all means, and nevertheless our Mishna teaches that "if he began (his meal) he need not be interrupted," to which R. Hanina said that the loosening of the girdle (is the beginning)? In the case of the afternoon prayer, since the time for it is fixed, (we assume) that the man will hasten and will not fail to pray in time, while for evening prayer, the time for which extends through the entire night, it is feared that he may not hasten, and neglect it.

R. Shesheth opposed: Is it so much trouble to put on one's girdle? Furthermore, cannot one stand up (without a girdle) and pray? Nay! As it is written: "Prepare thyself to meet thy God, O Israel!" [Amos, iv. 12]; and as Rabha b. R. Huna used to put on stockings when he stood up to recite prayers, saying: It is written: "Prepare thyself," etc. Rabha, however, used to throw off his mantle and fold his hands when he prayed, speaking as a slave before his master. R. Ashi said: I have observed R. Kahana. In times of trouble he threw off his mantle and folded his hands when he prayed, speaking like a slave before his master. In times of peace he dressed and fitted himself up carefully, saying: "It is written, Prepare thyself to meet thy God, O Israel." Rabha noticed that R. Hamnuna spent much time at his prayers. Said he: "Thus they quit eternal life and busy themselves with transient life." * He, R. Hamnuna, however, thought that the time spent in prayer is a thing by itself, and the time devoted to study is also a thing by itself. R. Jeremiah was sitting before R. Zera discussing a Halakha. The day was breaking and time for prayer came, and R. Jeremiah hastened for the purpose of praying. Said R. Zera to him: "When one turneth away his ear so as not to listen to the law, even his prayer becometh an abomination" [Prov. xxviii. 9].

At what moment does the work of dispensing justice commence? R. Jeremiah and R. Jonah—one said: "From the moment the judges put on their mantles"; the other said: "From the moment the litigants begin pleading." And they do not differ. The former speaks of the instance of opening court; the latter of the instance when the court was in session and the judges were engaged in deciding other cases.

Up to what time should court be in session? R. Shesheth

* The rabbi thus regarded prayer as a thing belonging to transient life, because it benefits only the individual. Study, on the other hand, is regarded as an object that concerns eternal life, for by its results future generations may be benefited.

said: "Up to meal time." Said R. Hama: From what scriptural passage have we this? From "Happy art thou, O land! when thy king is noble-spirited, and thy princes eat in proper time, for strengthening and not for gluttony!" [Eccl. x. 17]; *i.e.*, for the strength of the law and not for indulgence in wine.

The rabbis taught: The first hour (of the day) is the time the Lydians eat (the Lydians were cannibals); in the second hour robbers eat; in the third hour (rich) heirs eat; the fourth hour is eating-time for the people in general; in the fifth hour laborers eat; in the sixth hour scholars eat; from the last hour onward, eating is like throwing a stone into a barrel (rather injurious than beneficial). Said Abayi: This is the case only when one has tasted nothing in the morning; but if he did so, it does not matter.

R. Ada bar Ahba said: One may say his prayers in a new bath-room, which has not been used. R. Hamnuna said in the name of Ula: One is not permitted to call Shalom to another man in a bath-room, for it is written: "He called the Eternal Shalom" [Judges, vi. 23].* If so, the saying of the word "faith" should also be prohibited, for it is written, "the faithful God" [Deut. vii. 9]. And lest one say so it is, has not Rabha bar Mehassia said in the name of R. Hama bar Gorion, quoting Rabh, that "faith" may be mentioned? In the latter case the name itself is not so designated, as it means as it is translated above. But in the former case it (Shalom) is a designation of the name itself.

The same says again in the name of the same authority: If one bestows a gift on his friend, he should let him know it; as it is written: "To know that I, the Eternal, made you holy" [Ex. xxxi. 13]. And there is a Boraitha which states as follows: "The Holy One, blessed be He, said unto Moses, I have a good gift in my storehouse; its name is Sabbath, which I wish to bestow on Israel; go and announce it to them." From this R. Simeon ben Gamaliel said: One who gives a child some bread should announce it to its mother. How shall he do this? Said Abayi: He should put some ointment around its eyes and stain it with dye.

Is this so? Has not R. Hama b. Hanina said: He who bestows a gift on his friend need not announce it to him, for it is written: "Moses knew not," etc. [Ex. xxxiv. 29]. This

* Translated literally. Leeser, however, translates differently according to the sense, but his translation is not correct.

presents no difficulty. The latter instance represents a thing that is to become known by itself; the former instance treats of a thing that cannot become known by itself.

But was not the Sabbath a thing that was to become known? Aye, but the reward (for keeping the Sabbath holy) that attends it was not to be known.

R. Johanan in the name of R. Simeon b. Yohayi said: All the commands that the Holy One, blessed be He, gave unto Israel, were given with publicity, excepting the Sabbath, which was given in privacy, for it is written: "Between me and the children of Israel it is an everlasting sign" [Ex. xxxi. 17]. If such is the case, the idolaters need not be punished for its sake. The Sabbath was made known, but the additional soul (a new impetus of life) which comes with the Sabbath was not made known to them. Thus R. Simeon b. Lakish said: "The Holy One, blessed be He, bestows an additional soul on man on the eve of the Sabbath, and takes it back again when the Sabbath departs." *

R. Hisda held in his hand two gifts † from the flesh of an ox, and said: "I will give this to the man who will tell me some new teaching in the name of Rabh." Said Rabha b. Mehassia to him, thus taught Rabh: "He who bestows a gift on a friend should let him know it." And R. Hisda gave him the meat. Said the former again: Art thou so fond of the teachings of Rabh? "Aye, aye," he answered. Said he: This is like that which Rabh said: A silk garment is precious to the wearer. Rejoined R. Hisda: Did Rabh indeed say so? This second thing is even better than the first; if I had other gifts I would bestow them too.

Rabha b. Mehassia in the name of the same said again: One should never show preference for one child above his other children, as for the sake of two selas' weight of silk, which Jacob bestowed on Joseph in preference to his other sons, the brothers became jealous of Joseph, and the development brought about our ancestors' migration into Egypt.

Again he continued: One should always endeavor to seek a dwelling in a city of recent settlement, for the settlement being recent, the sins are few. As it is written: "Behold, this city is

* Transposed from Tract Betzah, p. 16*b*.

† He was an Aaronite, and in his time they used to give the Aaronites their meat-offerings. In the time of R. Hisda the descendants of the priests still received their titles.

near to flee thereunto, and it is little" [Gen. xix. 20]. What does it mean, it is near and small? Could not he see this himself? But it means its settlement is recent and therefore its sins are not many.

The same said again: A city whose roofs are higher than that of the synagogue will ultimately be destroyed, as it is written: "To raise high the house of our God," etc. [Ezra, ix. 9]. However, this refers only to the roofs of the houses, but as to the tops of towers and palaces, it does not concern them. Said R. Ashi: *I* have prevented Matha Mehassia from being destroyed (as he had made the prayer-house and the college higher than other houses). But was it not destroyed later? Yea, but not for this sin.

He also said: * It is better to be dependent on an Israelite than on an idolater; on an idolater than on a Persian; on a Persian schoolman † than on a scholar; on a scholar than on a widow or an orphan.

He also said: Rather any sickness than sickness of the bowels; rather any pain than pain of the heart; rather any disorder than a disorder in the head; rather any evil than a bad wife.

Again he said: If all the seas were ink, if all the swamps were producing pens, if the whole expanse of the horizon were parchment, and all the men were scribes, the (thoughts that fill the) void of a ruler's heart could not be written in full. Whence is this deduced? Said R. Mesharsia: "The heavens as to height and the earth as to depth, and the hearts of kings cannot be fathomed" [Prov. xxv. 3].

"*To read Shema*," etc. Was it not stated before that they need not be interrupted? This sentence applies to study, as we have learned in a Boraitha: "Scholars that are engaged in studying the Law must stop for the reading of Shema, but they need not stop for prayer." Said R. Johanan: Such is the case with men like R. Simeon b. Yo'hai and his colleagues, for learning was their profession; but men like ourselves must stop for prayer also. But have we not learned in a Boraitha: "As (students) need not quit (their studies) for prayer, so they need not stop them for Shema"? This applies only to the study of

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* These somewhat abstruse distinctions are made for the reason that a dependent of a scholar, orphan, or widow is liable to incur greater punishment for an injury done his master than were his master an Ishmaelite, Persian, etc.

† The title "Habher" is the exact equivalent of "fellowship" as a college position in our time; we translate it "schoolman."

the establishment of leap year; as R. Ada b. Ahba, and so also the sages of Hagrunia in the name of R. Elazar b. Zadok, declared: "When we were engaged in fixing a leap year at Yabne, we did not quit (our work) either for Shema or for prayer."

MISHNA *III.*: A tailor shall not go out with his needle when it is nearly dark on Friday, lest he forget and go out (carrying it about with him) after dark; nor a scribe with his pen; nor shall one search for vermin in his garments or read before the lamp-light (Friday night). Of a verity it is said, an instructor may follow the children when they read, but he shall not read himself (before the lamp-light). In a similar manner it is said that one afflicted with gonorrhœa should not eat from the same plate with a woman that has the same disease, lest they become accustomed to one another and come to sin.

GEMARA: "*A tailor shall not go out*," etc. Does not the Mishna mean when the needle is stuck in the garment? Nay, it treats of the case when (the tailor) holds it in his hand.

Come and hear. "A tailor shall not go out with the needle sticking in his garment." Does this not treat of the eve of the Sabbath? Nay, it treats of the Sabbath itself.

But is there not another Boraitha: "A tailor shall not go out with the needle sticking in his garment on Friday when it is nearly dark"? This was taught according to R. Jehudah, who holds that a laborer (carrying a thing) after the manner of his profession is culpable; as we have learned in the following Tosephtha: "A tailor shall not go out with his needle sticking in his garment; nor a carpenter with his ruler behind his ear; nor a cloth cleaner with the spanning cord behind his ear; nor a weaver with the stuffing cotton behind his ear; nor a dyer with samples around his neck; nor a money changer with the dinar in his ear. If, however, they did so, they are free, though they ought not to start it; so is the decree of R. Mair. R. Jehudah, however, says: The laborer only (going out) after the manner of his profession is culpable; but not common men."

In the school of R. Ishmael it was taught: "One may go out with the phylacteries on his head at twilight on the eve of Sabbath." Why so? As Rabha b. R. Huna said: One must feel the phylacteries on his head at all times, and in consequence he will be reminded, through feeling the phylacteries, that he must remove them before the Sabbath.

There is a Boraitha: A man must examine his garments on Friday evening, when it is getting dark, to see whether there is

anything in them that must not be carried about on the Sabbath. Said R. Joseph: This is an important ordinance concerning the Sabbath.

"*One shall not search for vermin,*" etc. Does it mean one shall not search for vermin in the day-time (of a Sabbath) lest he destroy any; and he shall not read before a lamp-light lest he snuff (the wick); or are both ordinances connected with each other so as to make the ordinance prohibiting the snuffing of the wick binding? Come and hear. "One shall not search for vermin nor read before the lamp-light." What can we understand from this Boraitha better than from our Mishna? Come and hear another Boraitha: "One shall not search before the lamp-light; also, one shall not read before it." These two ordinances are among the other established Halakhas in the attic of Hananiah b. Hyzkiyah b. Gorion. From this is to be inferred that both cases were prohibited for the same reason, that they may entail snuffing the wick.

R. Jehudah in the name of Samuel said: One must not try to distinguish even between his own and his wife's garments (before the lamp-light). Said Rabha: This is said only for the inhabitants of Ma'hoza,* but among the dwellers of rural places the garments can easily be distinguished. And even among the inhabitants of Ma'hoza, only the garments of old women cannot easily be distinguished from those of the men, but not of young women.

The rabbis taught: One shall not search for vermin in the street out of self-respect. In the same wise, R. Jehudah or R. Ne'hemiah taught that one shall not vomit in the street out of self-respect. The rabbis taught: One who searches his garments and finds a louse shall not crack it, but simply rub it with his fingers and throw it away (on the Sabbath). Says R. Huna: This should also be done even on week days, out of self-respect.

We have learned, R. Simeon b. Elazar said: "One shall not kill vermin on the Sabbath." So said Beth Shamai; Beth Hillel, however, allowed this. R. Simeon b. Elazar used also to say in the name of R. Simeon b. Gamaliel: "One is not allowed to negotiate marriage engagements for children, nor to engage teachers or artisan masters for children, nor to pay visits of condolence to mourners, nor to visit the sick on the Sabbath. Such is the decree of Beth Shamai; Beth Hillel, however, allows all this."

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* Large cities where the men are effeminate and wear garments like the women.

The rabbis taught: If one comes to visit the sick on the Sabbath, he shall say: "It is Sabbath and we are not to cry, but relief is drawing nigh." R. Mair said, one should say: "The Sabbath (if respected) may bring mercy." Rabbi Jehudah said: "May the Omnipotent have mercy with thee and toward the sick of Israel." R. Jose said: "May the Omnipotent bestow mercy on thee *amongst* the sick of Israel." Shebhna the Jerusalemite when he entered (a sick-room on the Sabbath) said, "Shalom"; on leaving he said: "To cry! it is Sabbath; nevertheless, relief is nigh"; "As His mercies are great," and "Rest ye in peace."

According to whom is what R. Hanina said: "He who has a sick person in the house should include him (in his prayers) amongst the sick in Israel"? It was in accordance with R. Jose. R. Hanina also said that it was with difficulty that the rabbis allowed visits of condolence to be paid to mourners and to visit the sick on a Sabbath. Rabba b. b. Hana said: When I accompanied R. Eliezer while visiting the sick, I sometimes heard him say (in Hebrew): "May the Omnipotent mind thee in peace," and sometimes (in Aramaic): "May the Merciful remember thee in peace." How could he do this? Did not R. Jehudah say: "One should never pray for what he needs in the Aramaic language"? And also R. Johanan: "The angels of service do not listen to one's prayer in the Aramaic tongue, for they know not that language." The case of a sick person is different, as *Shekhina itself* is with him. (This will be explained in Tract Nedarin in the proper place.)

"*One shall not read before the lamp-light.*" Rabba said: It is the same even if the lamp is placed two (men's) heights (from the ground); even two stories high, or even if it is on top of ten houses, one above the other. "*One* shall not read," but *two* may? Have we not learned, "Neither one nor two"? Said R. Elazar: This presents no difficulty. Our Mishna treats of two reading one subject; and there it treats of two reading different subjects. Said R. Huna: Around the hearth-fire even ten persons shall not read together. Rabha, however, said: A prominent man may read, as he would not degrade himself by stirring the fire.

An objection was raised from the following: One should not read before a lamp-light, lest he snuff the wick. Said R. Ishmael b. Elisha: "I will read and not snuff it." Once he actually read and was tempted to snuff the wick. And he exclaimed:

" How great is the saying of the sages, that one should not read before a lamp-light." R. Nathan said: He actually snuffed the wick and noted in his diary: " I, Ishmael b. Elisha, have read before the lamp on Sabbath, and have snuffed the wick. When the holy temple shall be rebuilt, I will bring a fat sin-offering." Said R. Aba: With R. Ishmael b. Elisha it is different, for while studying the Law he always considered himself common.

There is one Boraitha: A servant may examine cups and dishes (to see if they are clean, before the lamp); and another, that he may not. This presents no difficulty. The former treats of a servant in permanent engagement;* the latter of one who performs occasional service. And if you wish, it may be said that both Boraithas apply to a permanent servant: the latter in the case of a lamp which is fed with oil, the former in the case where it is fed with naphtha. (Naphtha emits a bad odor; he will therefore not be tempted to touch it.)

The schoolmen propounded a question: May a servant that is not permanently engaged (examine his utensils) before a lamp fed with oil?

Said Rabh: The rule is laid down (that he may), but we do not practise it. R. Jeremiah b. Aba, however, said: So is the rule, and so we practise.

Once R. Jeremiah b. Aba took (his Friday night meal) at the house of R. Assi. His servant (R. Jeremiah's retainer, who was at the time doing occasional service in R. Assi's house) proceeded to examine (the dishes) before the lamp. Said the wife of R. Assi (to her husband): " You, my master, do not approve of this." " Let him be," answered R. Assi; " he acts according to the opinion of his master."

" *Of a verity they said, an instructor*," etc. Was it not said, " He may see"? For what purpose should he do this but to read? Nay; he should see in order to watch the sequence of paragraphs. So also said Rabba b. Samuel: " He may arrange the sequence of paragraphs." Consequently, may he not read the paragraphs through? Would this not oppose the statement of R. Simeon b. Gamaliel, who said: " Children in their rabbi's house used to arrange their paragraphs and read before the lamp-light"? With children the case is different; out of fear for their master they will not be led to adjust.

MISHNA *IV.*: And these are some of the regulations

* A servant in permanent engagement is more careful about his dishes, for fear that he may lose his position. He is therefore more apt to adjust the wick.

enacted in the attic of Hananiah b. Hyzkiyah b. Gorion, when the rabbis came to visit him. They called the roll and found that the disciples of Shamai were more numerous than those of Hillel, and they enforced eighteen regulations on that day.

GEMARA: Said Abayi to R. Joseph: Does the expression "and these," etc., refer to the things that were mentioned, or is "these" used with reference to things to be mentioned farther on? Come and hear. "One shall not search for vermin or read before a lamp-light; *and these* are some of the regulations," etc. From this it is obvious that "and these" is the correct version.

The rabbis taught: The "Roll of Fasts" was written by Hananiah b. Hyzkiyah and his company, for they thought with fondness of the troubles (which their race had experienced). Said R. Simeon b. Gamaliel: We also think with fondness of the troubles; but what shall we do? If we were to record (all the troubles our race has experienced since that time) we would never finish. It may also be said: A fool never feels trouble, or (more pointedly) a dead member on a living body feels not the lancet.*

MISHNA *V.*: The Beth Shamai said: Ink, dye material, or fodder (for animals) shall not be put into water (on Friday) unless there is still time for them to soak through while it is day. The Beth Hillel, however, permits this. The Beth Shamai prohibits putting bundles of linen thread (to bleach) into the oven unless there is sufficient time left for them to become heated through while it is yet day, or wool into a dye-kettle unless there is still time for it to be soaked through the same day. The Beth Hillel permits this. The Beth Shamai says: Traps shall not be set for animals and birds, or nets for fishes (on Friday), unless there is still time for them to be caught before sunset. The Beth Hillel permits this. The Beth Shamai says: One shall not sell anything to a Gentile (on Friday) or help him load his animal, or help him shoulder a burden unless he (the Gentile) can reach (with his load) the nearest place while it is yet day. The Beth Hillel permits this. The Beth Shamai

* The Gemara discusses here the eighteen precautionary measures which were enacted in the attic referred to, and tried also to find them out, as what they were is not mentioned in the Mishna at all. As none of them, except the two mentioned in the Mishna (which is not discussed at all), belong to Sabbath, we have omitted the whole discussion. However, we have named all of them in the appendix to this tract [Vol. II., pp. 381–390, *q. v.*], and we have shown that all of these enactments were political and of great necessity at that time.

says: Hides shall not be given to a tanner nor clothes to a Gentile washer (on a Friday) unless there is still sufficient time left for him (the Gentile) to finish it while it is day. The performance of all these acts of labor heretofore mentioned was permitted by the Beth Hillel (on Friday) while the sun was still shining. Rabbi Simeon b. Gamaliel said: At my father's house it was the custom to give out white clothes to a Gentile washer three days before the Sabbath. Both schools, however, agree that the presses may be put on olives and grapes in the press-pits (as long as it is still daytime).

GEMARA: Who is the Tana that maintains that putting water on ink constitutes the final work on it? Said R. Joseph: (It is Rabbi of the following Boraitha: "If one put flour (in a vessel) and another one put water on it, the latter is culpable (of the act of kneading); so is the decree of Rabbi." R. Jose, however, says that one is not culpable until he kneads it.

The rabbis taught: At twilight on the eve of Sabbath one may make an opening in a spring, so that the water run into the garden the whole day (of the Sabbath). He may also put smoking incense underneath garments, so that they hold the fragrance the whole day. It is also allowed to put burning sulphur under enamelled vessels, so that its smoke work on the paints the whole Sabbath day. It is also allowed for one to put a balm on the eye and a plaster on a wound, so that the healing process continue throughout the Sabbath; it is prohibited, however, to put grain into a water-mill, unless there is yet enough daytime left for it to be ground. Why so? Said R. Joseph: Because one is obliged to give rest even to tools on Sabbath.

Now, since it was said that the resting of tools is obligatory according to the decision of the Beth Hillel, why did they permit putting sulphur and incense to smoke, or linen thread to bleach during the Sabbath? Because no act was being done, and (the tools were practically) at rest. But do not traps set for animals, birds, and nets for fishes work? Why, then, did they allow these? Here, too, they treated only of fishers' rods and traps, which do no work (but into which animals work themselves).

Now, as R. Oshia has declared in the name of R. Assi, that only the Beth Shamai holds that there is a biblical obligation for the resting of tools, but not the Beth Hillel, all the acts enumerated above are permitted by the latter, even in the event of the tools performing work.

Who is the Tana of what the rabbis taught anonymously as follows: "A woman shall not put dried lentils and peas into the oven on Friday when it is getting dark and leave them there (to get soft); and if she needs them for after the Sabbath she shall not use them, unless she waits the length of time required to cook them afresh. In the same wise a baker shall not put a vessel with water in the oven on Friday when it is getting dark; and if he needs (the hot water) for after the Sabbath, he shall not use it unless he waits the length of time it would require to boil it afresh." Shall we assume that this is in accordance with the Beth Shamai, but not with Beth Hillel? It may also be in accordance with the Beth Hillel, as the prohibitions were made as precautionary measures lest one stir the coals. If such is the case, the burning of incense and sulphur (as mentioned in our Mishna) should also be prohibited for the same reason. There is to be feared that the coals might be stirred, while here is no fear of that, as when the coals are stirred smoke may arise and injure the enamel or the garments. In the case of the linen thread also, no precautionary measure was necessary, because the draught caused by the admission of air into the oven would prove injurious to the thread, and therefore one would not open the oven to stir the fire. Then let the placing of wool into a (dye) kettle be prohibited as a precautionary measure? The Mishna treats of a kettle that stands at some distance from the fire; so says Samuel. Still, the apprehension exists that he may stir the dye. Nay, we speak of a kettle whose cover is sealed with clay.

Now that the master said that the prohibitions (of the Boraitha) are only precautionary measures, to prevent one from stirring the coals, a cold pot may be put in the oven on Friday when it is getting dark. Why so? Because the victuals in it cannot be used the same evening, and he (the cook) will never think of stirring the coals.

"*One shall not sell a thing to a Gentile,*" etc. The rabbis taught: The Beth Shamai said: One shall not sell a thing to a Gentile, nor lend it to him, nor help him carry it, nor lend him nor present him with any money on Sabbath eve unless there is time enough for the recipient to reach his house before night comes on. The Beth Hillel said (all this may be done) if there is time enough to reach his house at the wall of the city where he lives. R. Aqiba, however, says: It is sufficient if there is time enough for the Gentile to leave the house of the Jew.

Said R. Jose b. Jehudah: "R. Aqiba contends that his teaching does not contradict that of the Beth Hillel, but merely explains the latter's real intent."

The rabbis taught: One may put down eatables on his own grounds for a Gentile (on the Sabbath). If the latter takes the eatables and carries them off, he need not prevent him.

The rabbis taught: One shall not hire out his tools to a Gentile on Friday, but he may do so on Wednesday or Thursday (even if he knows positively that the Gentile will use them on Sabbath). In the same manner, it is prohibited to transmit a letter by a Gentile on Friday, but it may be sent on Wednesday or Thursday. It was said of R. Jose the Priest, according to others the Pious, that his handwriting was never found in the hands of a Gentile (for fear that it might be carried on the Sabbath).

The rabbis taught: One shall not send a letter by a Gentile on Friday unless he stipulated a certain sum for the delivery. If such a stipulation was not made, the Beth Shamai says it must not be delivered, unless the messenger has time to reach the house in which it is to be delivered (before sunset); the Beth Hillel, however, maintains: He may do it if the messenger has time to reach the house nearest to the wall of the city where the letter is to be delivered. Was it not taught at first that "one shall not send" at all? This presents no difficulty. In the first part the case treats of a town which has no post-office; in the latter part the Boraitha speaks of a town which has one.

The rabbis taught: One shall not embark on a vessel less than three days before the Sabbath. This is the case if one goes (to sea) on private business, but if he goes for a meritorious act, he may do so. He may make a stipulation with the owner of the boat that it shall rest on Sabbath, although he is aware that he will not do so; so is the decree of Rabbi. R. Simeon b. Gamaliel, however, maintains that such a stipulation is not necessary. To travel from Tyre to Zidon (a journey of a few hours) one may embark even on Friday.

The rabbis taught: Siege shall not be laid to Gentile cities less than three days before the Sabbath, but when the siege is laid it need not be interrupted. So also Shamai used to say: It is written, "until it is brought down" [Deut. xx. 20], *i.e.*, even on a Sabbath day.

"*R. Simeon b. Gamaliel said*," etc. There is a Boraitha:

R. Zadok said: "It was the custom at the house of Rabban Gamaliel to give white clothes to the washer three days before the Sabbath, but colored clothes even on a Friday." From this we have learned that it is harder to wash white clothes than colored ones. Abayi gave colored clothes to the washer and asked: How much wilt thou take for washing them? "As much as for white clothes," answered the washer. Said Abayi: "The rabbis have preceded thee with their declaration" (that white clothes are harder to wash).

"*Both schools agree*," etc. Why did the school of Shamai enforce precautionary measures in all the previous cases, but in the case of wine and oil presses they did not do so? They prohibited the performance of such labor as involves the obligation of a sin-offering, if performed (unintentionally) on the Sabbath, or on a Friday when approaching darkness; but for the putting of press beams on grapes or olives, which does not involve the obligation of a sin-offering even if done on the Sabbath, the precautionary measure was not necessary.

From this it may be inferred that work which continues by itself may well be started (late on Friday).* Who is the Tana that holds so? Said R. Jose: R. Ishmael of the Mishna (Ediath, II. 7): "Garlic, unripe grapes, and green grain-stalks which were crushed (on Friday) while yet day, may be put under pressure at sunset; so is the decree of R. Ishmael. R. Aqiba, however, says: "It must not be done." R. Elazar (b. Pedath), however, said that the Tana in question is R. Elazar (b. Samoa) of the following Mishna: "Honeycombs that were crushed on Friday shall not be put in the press (at sunset), so that the honey run out by itself; R. Elazar, however, permits it." R. Jose b. Hanina has practised in accordance with the theory of R. Ishmael.

The oil and the covers of the small oil-presses Rabh prohibits to handle on the Sabbath. Samuel, however, permits it. The same is the case with reed-cloth; Rabh prohibits, and Samuel permits (to handle). Covers that are used on board of a vessel to cover the deck Rabh prohibits, and Samuel permits the handling of.

R. Na'hman said: "A goat that is kept for its milk, a sheep that is kept for its wool, a hen that is kept for its eggs, an ox

* Without requiring the labor of man when once started, as is the case with wine and oil presses, in which case the beams, once put on grapes or olives, force the fluids to run down of their own accord.

that is kept for the plough, and dates that are put up for the market, are prohibited for use at a biblical feast," according to Rabh; Samuel, however, said it was permitted. The point of their differing is the law of *Muktza*, in which R. Jehudah and R. Simeon differ. (It is explained farther on that, according to the latter, no *Muktza* exists.)

A disciple in 'Harta of Argis* decided cases according to R. Simeon's teaching, and R. Hamnunah put him under the ban. But have we not adopted the opinion of R. Simeon? Yea, but 'Harta was within the jurisdiction of Rabh, and he (the disciple) should not have done as he did against Rabha's teaching.

MISHNA *VI.*: Meats, onions, and eggs shall not be put to roasting on the eve of Sabbath, unless they can be done while it is yet day.

Bread shall not be put in the oven or a cake upon live coals, unless the crust can be formed while it is yet day. R. Elazar says it is enough if the bottom crust is formed. The Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark. In the heating-house of (the sanctuary) the fire was fed at eventide. The fires in the rural districts may be fed until the flames envelop the greatest part (of the fuel). R. Judha says: "Where coals were already burning more fuel may be added, even when Sabbath is quite near at hand."

GEMARA: When should such victuals be considered done? Said R. Elazar in the name of Rabh: "When they are done like the victuals of Ben Drostai."† As we have learned in a Boraitha: Hananiah says all victuals that are done like the victuals of Ben Drostai may be left upon the hearth, even if the fire in the hearth is not stirred up and full of ashes.

"*Bread shall not be put*," etc. The schoolmen propounded a question: ("Does R. Elazar speak of) the crust that is formed near the wall of the oven, or the crust formed (on the side of the loaf, that is turned) to the fire?"

Come and hear. R. Elazar says: "It is sufficient if the surface is crusted, which lies close to the wall of the oven."

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* Argis was the man who built the city of 'Harta and R. Hamnunah lived in that city. The cave in which he is buried is still in existence there. So I have found written in an answer of a Gaon. (Rashi.)

† A notorious highwayman, who could never stay in one place long enough to cook his meals, and was wont to do only the third part of cooking they required.

"*The Passover sacrifice may be turned,*" etc. Why so? Because a company (when preparing a sacrifice in the temple) is very cautious.

But if this were not the case, would it not be allowed? Has not the master said: A (sacrificial) kid may be used, well done or not well done? Aye, but in that case it is cut in pieces; in our case it could not be cut in pieces.*

"*The fire in the heating-house,*" etc. Why so? Whence is this deduced? Said R. Huna: It is written [Ex. xxxv. 3]: "Ye shall not kindle any fire throughout your habitations upon the Sabbath day." *Your* habitations excluded the sanctuary. R. Hisda opposed: If it is so, then they may do so on Sabbath itself; therefore he explains thus: The cited verse excludes only the parts of the members which are already upon the altar, and the reason of our Mishna is because priests are very careful.

"*In the rural districts,*" etc. What does "the greatest part" mean? According to Rabh: "The greatest part of each piece"; and according to Samuel: "Until no more small wood is needed to make the heap burn." R. Hyya taught the following Boraitha in support of R. Samuel: "The flame should continue rising by itself, and not by the assistance of anything else." And to only one log of wood?—until the fire catches most of its thickness; and according to others, the most of its circumference, was the decision of Rabh. Said R. Papa: To comply with both views just mentioned it is right that the fire should catch both, the most of its thickness and the greatest part of its circumference. However, regarding this law Tanaim of the following Boraitha differ. R. Hyya says: Until it is so burned that it is unfit for any carpenter's work. R. Judah b. Bathyra says: Until the fire catches both sides. And although this cannot be substantiated by evidence (from Scripture), there is a hint of this—viz.: "Both ends are consumed by the fire and the inside is scorched; is it fit for any work?" [Ez. xv. 4].

It was taught: R. Kahana said: Reeds, if they are tied together, must (have enough daytime on Friday) to burn over half; if not tied together, less is sufficient. *Granum* must have enough time for the fire to catch their greater part; if they are put in a fire-pot, they need not. R. Joseph taught four sub-

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* See Ex. xii. 9, 46, where it is explicitly ordained that the paschal lamb should not be dismembered, and no bone should be broken.

stances (used as fuel) need not (have time until the fire catches) the greater part—viz.: pitch, sulphur, cheese, and running fats. In a Boraitha it was taught that straw and (wood) shavings belong to the same category. R. Johanan said that the same is the case with fuel in Babylon. What does it mean? According to R. Joseph bast, and according to Rami b. Aba branches.

APPENDIX.

[Explanatory to p. 8, line 2 (Erubhin, p. 25).]

There is a Boraitha in addition to the last Mishna of Chap. IX., ibid., p. 226, as follows: "More than this said R. Jehudah: 'He who has two houses, one on each side of public ground, may add to each a beam or a side beam (for a sign), and this allows him to carry things from one house into the other.' To which the rabbis answered that such an *erubh* does not suffice for public ground." (The reason of R. Jehudah's statement is that biblically two partitions suffice to turn premises of public ground into private ground, with which the rabbis do not agree.)*

* This Boraitha was omitted in Tract Erubhin. Here, however, to render the above-mentioned passage clearer for the reader, we deem it necessary to translate it.

CHAPTER II.

REGULATIONS CONCERNING THE SABBATH AND 'HANUKAH LIGHT.

MISHNA *I.*: What shall and what shall not be used for lighting (the Sabbath light)? The light shall not be made with (wicks of) cedar bast, raw flax, silk fibre, weeds growing upon the water, and ship-moss.* Nor shall pitch, wax, cotton-seed oil, oil of rejected heave-offerings,† fat from the tail of a sheep, and tallow be used.

Nahum the Modait says melted tallow may be used for lighting; the schoolmen, however, prohibit melted and raw tallow alike.

GEMARA: Rabbin and Abayi were sitting before Rabbanah Ne'hemiah, the brother of the Exilarch (after the death of his brother he became Exilarch under the name Ne'hemiah the Second), and they saw that he was dressed in a mantle of *μεταξα* (raw silk). Said Rabbin to Abayi: "This is called in our Mishna *khlakh.*"‡ And he answered: "In our city it is called *Shira Peranda* (*ferandinis*)." The same (Rabbin and Abayi) happened to be in the valley of Tamruritha, and they saw a kind of willow, and Rabbin said to Abayi: "This is *edan* mentioned in our Mishna"; and he rejoined: "This is only common wood; how could a wick be made of it?" He peeled off one of them and showed him a kind of woolly substance between the bark and the stem.

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* Moss springing up on the hulk or boards of a ship.

† The text reads "oil for burning," the full explanation of which is given in the Talmud farther on. We have paraphrased the term to convey the sense to the English reader.

‡ The terms in the Mishna, with which it must not be lighted, are expressed in a mixture of Hebrew, Greek, and Roman names. The Gemara then discusses what is meant by the names, and, probably, some of the Babylonian Amoraim did not understand Greek or Roman, as is seen from the fact that Rabbin did not know of the name *metaxa* when he saw it on the body of Ne'hemiah, and exclaimed only, "This is meant by the expression *khlakh*"; and Abayi answered in broken Roman, *Paranda*. We, as we have translated the names into English, have omitted the whole discussion in the first edition. In this second edition, however, we are disposed not to omit at least the historical facts.

The rabbis taught: All that which was prohibited for the Sabbath lamp may be used in fires that are kept up for heat or even for constant light, whether (such fires are built) upon the ground or in the hearth; as the materials are prohibited only for use as wicks for the Sabbath lamp.

Rabba said: The wicks which the rabbis forbade the use of in the Sabbath lamp are prohibited because they give a flickering light. The oily substances were prohibited because they do not adhere to the wick.

Abayi questioned Rabba: Would it be permitted to mix oil with these prohibited fats and then use them for the Sabbath lamp? Or is even that prohibited as a precaution lest one use those fats without the addition of oil? Rabba answered: It is prohibited. Why so? Because they do not give a right light.

Abayi objected to him from the following: "R. Simeon b. Gamaliel said: 'In my father's house they wound the wick around a nut and lighted it'; hence you see that it may be lighted." Said Rabba: "Instead of contradicting me with the saying of R. Simeon b. Gamaliel, support my view with the decision of the first Tana" (of our Mishna). This would not do, as the record of an act is incontrovertible. *Still* the record of the master remains contradictory. The Mishna is not complete, and should read thus: "If one has wound a thing that may be used (as a wick) around a thing that may not be used, he is not permitted to light it. This is the case when the two (substances) are to serve the purpose of a wick, but if the prohibited substance is used merely to support the permissible (the combination) is allowed, as so said R. Simeon b. Gamaliel, 'In my father's house,'" etc.

But, after all, it is not so. Did not R. Beruna teach in the name of Rabh: To melted tallow or fish fat one may add some oil and use it for the Sabbath lamp? These substances adhere to the wick in themselves. But the rabbis had prohibited melted tallow or fish fat as a precaution, lest (if the melted substance be allowed) one use it raw also for light. Why did they not enact the prohibition to use these substances with the admixture of some oil as a precaution lest they be used without the admixture of oil? This itself is a precautionary measure; shall we enact another as a safeguard to it?

R. Huna said: The wicks and fats which the sages have prohibited for the Sabbath lamp cannot be used for the 'Hanukah lamp either on the Sabbath night or on week nights. Said

Rabba: The reason of R. Huna's theory is because he holds that if the ('Hanukah lamp) is extinguished (by accident) it must be relighted, and also that its light may be used to work by. R. Hisda, however, maintains that it can be fed (with these fats) on week nights, but not on the Sabbath night. Because he holds that if it is extinguished, one is not in duty bound (to light it again), and as long as it burns it may be used to work by.

R. Zera in the name of R. Mathna, according to others in the name of Rabh, said: The wicks and fats which the sages prohibited for the Sabbath lamp may be used for the 'Hanukah lamp, both during the week and on the Sabbath night. Said R. Jeremiah: The reason of Rabh's decision is because he holds that if it is extinguished he need not relight it, and its light is prohibited to be used." The rabbis declared this before Abayi, in the name of R. Jeremiah, and he would not accept it; when Rabbin came from Palestine he declared the same before Abayi in the name of R. Johanan, and he accepted it and said: " Had I been worthy, I would have accepted this teaching before."

It is said in the name of Rabh: " If it is extinguished, it is not needed to relight it." Is this not contradicted by the following: " The proper ordinance is for (the 'Hanukah light) to last from sunset until footsteps are no longer heard in the street" ?* Does this not mean that if extinguished it must be relighted ? Nay, the time appointed is only for the purpose of determining when the light is to be lit, or a light should be made which will last for the appointed time.

" Until footsteps are no longer heard," etc. Up to what time is this ? Said Rabba b. b. Hana in the name of R. Johanan: " Up to the time when the steps of the Tarmudites † are heard no more."

The rabbis taught: The law of 'Hanukah demands that every man should light one lamp for himself and his household. Those who seek to fulfil it well have a lamp lit for every member of the household. Those who seek to fulfil the law in the best possible manner should light according to Beth Shamai the first night eight flames, and every following night one flame

* The ceasing of footsteps in Talmudical language implies the time when people have already retired.

† Vendors of shavings and small wood, which are bought for the hearth-fire in the evening.

less. And according to Beth Hillel the reverse—the first night one lamp, and be increased by one on each succeeding night. Said Rabba b. b. Hana in the name of R. Johanan: "There were two sages in Zidon; one did according to the decision of Shamai's school, and gave the reason that the 'Hanukah lamp is to be lit in the same manner as the sacrifices of the feast were offered,* and the other according to the school of Hillel, with the reason that holy actions should show (emblemize) increase and not reduction.

The rabbis taught: It is a merit to put the 'Hanukah lamp on the outside door of the house; and he who lives in an attic puts it in a window that opens into the street. In time of danger, however,† it is sufficient if the lights are on the table. Said Rabha: In the latter case another light is required to work by; but if there is a hearth-fire in the house, it is not necessary. However, if the man is of high standing (and not in the habit of working by the hearth-light) he must have another lamp.

What is 'Hanukah? The rabbis taught: "On the twenty-fifth day of Kislev 'Hanukah commences and lasts eight days, on which lamenting (in commemoration of the dead) and fasting are prohibited. When the Hellenists entered the sanctuary, they defiled all the oil that was found there. When the government of the House of Asmoneans prevailed and conquered them, oil was sought (to feed the holy lamp in the sanctuary) and only one vial was found with the seal of the high priest intact. The vial contained sufficient oil for one day only, but a miracle occurred, and it fed the holy lamp eight days in succession. These eight days were the following year established as days of good cheer, on which psalms of praise and acknowledgment (of God's wonders) were to be recited.

R. Kahana said: R. Nathan b. Manyomi in the name of R. Tanhum lectured: "A 'Hanukah lamp becomes disqualified if it is put higher than twenty ells (from the ground), just like a Sukkah (booth) and like the side beam of an alley."

Rabba said: The merit of the 'Hanukah lamp is that it be put within a span of the house door. And on which side? R. A'ha b. Rabha said to the right, R. Samuel of Diphti said to

* The sacrifices of the Feast of Booths were decreased in number each succeeding day. See Numbers xxix. 13, 17, 23, 25, 29, 32.

† Time of danger is used here to designate the time when a prohibitive order against lights is issued by the local government.

the left (of the entrance). And the Halakha prevails that it should be placed to the left of the entrance, so that the 'Hanukah light be on one side and the Mezuzah * on the other side of the door.

R. Jehudah in the name of R. Assi said: It is not allowed to count money by the 'Hanukah light. When this was cited before Samuel, he said: "Is there any holiness in the light?" R. Joseph retorted: Is there any holiness in the blood of an animal? and yet have we not learned in a Boraitha: It is written: "Then shall pour out the blood . . . and cover it" . . . [Lev. xvii. 13]. From this we infer that he must cover it with the same hand it was shed with, but not with his foot, in order that the fulfilment of the commandment should not be treated with lack of reverence. In our case, too, the light must not be used for anything, in order that the compliance with an ordinance should not evince a lack of reverence.

R. Joshua b. Levi was questioned: May the fruits, hung up in the Sukkah for ornamentation, be used during the seven days of the feast? He answered: Even to the 'Hanukah light a law was passed prohibiting the counting of money. Said R. Joseph: "Lord of Abraham!" Here he connected a law that was enacted (by the ancient masters) with one that was not discussed by them. The law concerning the Sukkah was biblical, that concerning 'Hanukah was not biblical but rabbinical. Therefore said R. Joseph: The precedent of all these cases is the law concerning the blood (which was cited above).

It was taught: Rabh said: It is not allowed to light one 'Hanukah light with the other; Samuel permits this. Rabh prohibited Tzitzith (show-threads) to be taken out of one garment and put into another; Samuel permits also this. He also said that the Halakha does not prevail in accordance with R. Simeon regarding dragging across the floor (which will be explained farther on); and Samuel maintains it does.†

Said Abayi: "My master followed the decisions of Rabh in all questions except the three mentioned above, which he decided according to Samuel."

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* "Mezuzah," door-post, technical name for the writing which was to be placed on the door-post by the command of Deut. vi. 9 and elsewhere. The rabbis decreed that this was to be placed to the right of the entrance.

† The different contentions given above may seem somewhat out of place; however, they are cited merely to show the differences of opinion existing among the different schools and sages.

One of the rabbis in the presence of R. Ada b. Ahba said: "Rabh's reason for prohibiting these acts was to prevent irreverence in the compliance with the law." Said R. Ada to the scholars present: "Hear him not; Rabh's reason was to prevent stinginess in the fulfilment of laws." And what is the difference between the two? It is in the lighting of one 'Hanukah lamp with another. He who says that irreverence was the reason cannot prohibit this; but he who holds stinginess to be the reason, prohibits even this rightfully.

How is this question to be decided? Said R. Huna b. R. Joshua: "Let us see whether the act of lighting the lamp constitutes merit, or whether it is the act of putting it in its proper place"; this question having been already propounded by the schoolmen (the answer, when given, will serve for the above also).

Come then and hear the following: R. Joshua b. Levi says: "A lantern (that was lit for 'Hanukah on Friday night) and kept burning the whole following day must, at the close of the Sabbath, be extinguished and then relighted." Now if we say that the lighting constitutes compliance with the commandment, this teaching is correct; but if we say that the placing of the lamp in its proper place constitutes the merit, it should be said: "It should be extinguished, raised up, put in its proper place, and then lit." And also, since we pronounce the benediction, "Blessed art Thou, etc., who hast commanded us to light the 'Hanukah lamp," it becomes clearly apparent the lighting constitutes compliance. And so it is. Now that we come to the conclusion that the act of lighting constitutes the merit, it is understood that if this was done by a deaf-mute, an idiot, or a minor, the act is not valid; a woman, however, may surely light it, as R. Joshua b. Levi said: "Women are in duty bound to light the 'Hanukah lamp, for they were included in miracle."

R. Shesheth said: A guest (at a stranger's house) is obliged to light the 'Hanukah lamp. Said R. Zera: When I was studying at the school of Rabh, I contributed my share towards maintaining and lighting the lamp with mine host. Since I am married, I say, I surely need not light it now, for it is lit for me at my house.

R. Joshua b. Levi said: "All fats are good for the 'Hanukah lamp, but olive oil is the best." Abayi said: "My master always sought for poppy-seed oil, because, said he, it burns slowly (and

the light lasts longer), but when he heard the saying of R. Joshua b. Levi, he sought for olive oil, for that gives a clearer light."

Hyya b. Ashi in the name of Rabh said: He who lights the 'Hanukah lamp must pronounce a benediction. R. Jeremiah said: He who perceives it must pronounce a benediction. R. Jehudah said: He who perceives a 'Hanukah lamp on the first day must pronounce two benedictions, and the one that lights it on the first day, three;* after the first day, the one that lights it must pronounce two benedictions and the one that perceives it one.

What benediction would he omit? The benediction of time. But why not omit the benediction of the miracle? Because the miracle was continued every day (of the eight). And what is the (special) benediction? "Blessed be, etc., who hallowed us with His commands and ordained that we shall light the 'Hanukah lamp." But where did He ordain this? Said R. Avya: (This command is included in) "Thou shalt not depart," etc. [Deut. xvii. 11]. R. Nehemiah, however, from the following said: "Ask thy father and he will tell thee; thine elders, and they will inform thee" [ibid. xxxii. 7].

R. Huna said: A house that has two doors must have two lamps. Said Rabha: This is only in case when the two doors are in two different sides of the house; but if they both open on the same side it is not necessary. Why so? Because the townsmen may pass by the side which has no lamp and suspect the owner of the house of not having lit any at all. And where is it taken from that one must endeavor to avoid suspicion? From a Tosephtha in Peah, Chap. I., which states plainly that every one must do so.

R. Isaac b. Rediphah in the name of R. Huna said: "A lamp with two mouths (so that two wicks can be lit in it) is sufficient for two men."

Rabha said: If one has filled a dish with oil, put wicks all around the brim, and covered it with a vessel (so that each wick yields a separate flame), it is sufficient for many persons; but if he has not covered it, he makes it appear as one flame of fire, and it is not valid, even for one person.

The same said again: If one (possessing only means enough

* The three benedictions here referred to are: 1st, for the privilege of lighting the 'Hanukah lamp; 2d, for the miracle which the lamp commemorates; and 3d, for the continuance of life until the season of 'Hanukah. The second benediction is technically designated as that of the "miracle" and the third as that of "time"

to light one lamp) must choose between using this light for a house-light * (on Friday night) or a 'Hanukah light, he should use it for a house-light in order to preserve his domestic peace. If, again, his choice must be between (purchasing) the house-light and (the wine necessary for the celebration) of the holiness of Sabbath, the house-light is to be preferred and for the same reason; however, it is doubtful to me what must be chosen between the 'Hanukah light and the goblet for qiddush. When one cannot afford both, which must he prefer?'' "Is the latter to be preferred because it is of regular occurrence,† or is the 'Hanukah light preferable, in order to proclaim the miracle (which it commemorates)?'' After deliberating he decided himself that the proclaiming of the miracle has the preference.

R. Huna said: He who makes a practice of lighting many lamps (which the law requires for festive occasions) will be rewarded with scholarly sons. He who is particular about his Mezuzah will be blessed with a fine dwelling. He who is particular about his show-threads (Tzitziths) will be blessed with fine garments. He who is particular to pronounce the benediction of Sabbath over a goblet of wine shall live to have his cellar well stocked.

R. Huna was wont to pass by the house of R. Abbin, the carpenter. He noticed that the latter lit a great many lamps on the Sabbath night. Said he: "Two great men will come forth from this house." And they were R. Jidi and R. Hyya b. Abhin.

R. Hisda was wont to pass by the house of the master (father or father-in-law) of R. Shezbi; he noticed many lights every Sabbath. Said he: "A great man will come forth from this house." This great man was R. Shezbi.

The wife of R. Joseph was accustomed to light her (Sabbath) lamp late. Said he unto her: There is a Boraitha: It is written: "The pillar of cloud did not depart by day nor the

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* "The light for a house-light." The text does not specify on what night, but Rashi's commentary adds Friday night, *i.e.*, Sabbath eve. In our opinion that is not the intent of Rashi; for even on workdays the light used by the household should have preference. Proof is: the reason given is for the sake of domestic peace; were it only to apply to Sabbath eve, the reason given would have been in honor of the Sabbath.

† In all the ordinances to be observed, the rabbis have adopted the rule that if the choice stands between one that recurs at short intervals and one that occurs more seldom, the former is always to be preferred. ("Tadir, vesheaino tadir, tadir kodom.")

pillar of fire by night" [Ex. xiii. 22]. From this we infer that the two pillars always closely followed each other. She then wanted to light up too early. Said a certain old man to her: "There is another Boraitha, however, that (whatever is to be done) should be done neither too early nor too late."

Rabha said: "He who loves scholars, will have sons that are scholars; he who respects them, will have scholarly sons-in-law; he who fears scholars, will become a scholar himself, and if he is not fit for this, his words will be respected like those of an ordained scholar."

"*Oil of rejected heave-offering,*" etc. What is that? Said Rabba: It means oil of heave-offering which became defiled. It is called oil for burning, because it must be destroyed in fire, and the Mishna speaks here of a Friday that happens to fall on a feast day, and the prohibition to light (the Sabbath lamp) with it is because consecrated things that have been defiled must not be burned on a feast day. Said R. Hanina of Sora: "This should be corrected in our Mishna: Why shall one not make a light with the defiled oil? Because defiled things must not be burned on a feast day. And so also we have learned in a Boraitha: All material which must not be used for lighting on the Sabbath, may be lit on a feast day, save the oil for burning."

The schoolmen propounded a question: Should the 'Hanukah incident be mentioned in the benediction after meals? Shall we assume that because it is rabbinical it is unnecessary? or, for the sake of the proclamation of the miracle, it should? Said Rabba in the name of R. S'haura, quoting R. Huna: "It is not necessary; however, if one wishes to do it, he should incorporate it in the thanksgiving part."

R. Hunah b. Jehudah visited the house of Rabha. He was about to mention it in (the prayer part under the heading of) "the One who builds up Jerusalem." Said R. Shesheth: Nay; it should be mentioned in the thanksgiving part of the benediction after the meal, as it is mentioned in the same part in the prayer of the eighteen benedictions.*

The schoolmen propounded a question: Should the New-Moon day be mentioned in the benediction after meals? Shall we assume that the New-Moon day is more important than 'Hanukah because its observation is enjoined in the Scriptures,

* The principal elements of all Hebrew prayers are: 1st, Shebhah, *i.e.*, praise; 2d, Hodayah, *i.e.*, thanksgiving; 3d, Tephilah, *i.e.*, prayer; and 4th, Ta'hanun, *i.e.*, propitiation.

or need it not be mentioned because manual labor is not prohibited on that day? Rabh maintains it may; R. Hanina maintains it may not. Said R. Zerika: "Hold to Rabh's opinion, for R. Oshia holds to the same; as R. Oshia taught: On the days on which additional sacrifices (Musaph) are offered in the sanctuary, like New-Moon days and the middle days of a feast, one must at evening, morning, and afternoon services recite the regular eighteen benedictions and insert in the thanksgiving part of the day's service a passage referring to the subject of the day. And if he has failed to do so, he should be made to repeat them; however, no benediction over a goblet of wine, though a remembrance of their significance must be made in the prayer after meals. On days requiring no additional sacrifice, like the first Monday, Thursday and Monday (after a biblical feast), fast days, and the days (devoted to prayer by) commoners,* one must recite the eighteen benedictions at evening, morning, and afternoon services, and insert a paragraph referring to the subject of the day in the prayer division; and if he forgot the latter he need not repeat them, nor any remembrance of them in the benediction after meals. The Halakha, however, does not prevail with all that was said above. It remains as decreed by R. Joshua b. Levi: If the Day of Atonement happens to fall on a Sabbath day, mention of the Sabbath must be made even in the Neilah prayer (the last of the four different prayers of the Day of Atonement). Why so? Because the Sabbath and the Day of Atonement are now one, and four prayers are indispensable to the services of the day.

MISHNA *II.*: The lamp used on a (biblical) feast-night shall not be fed with oil of rejected heave-offerings. R. Ishmael said: The Sabbath lamp shall not be fed with tar, out of honor for the Sabbath. The sages, however, allow all fatty substances for this purpose: poppy-seed oil, nut oil, fish oil, radish oil, wild-gourd oil, tar, and naphtha. R. Tarphin said: It shall be lighted with nothing but olive oil.

GEMARA: "*R. Ishmael said,*" etc. Why so? Said Rabha: Because it emits a bad odor (and the Tana prohibits it) as a pre-

* A division of the people had always to be present at the temple to witness the services. The men of such a division were called "commoners" because there was a special place assigned to them in the temple. All of them not being able to attend, they sent their delegates to represent them, but they assembled in their various cities and villages to perform their devotion. The days on which this was done were designated as those of "commoners"—"Ma'amadoth." See Mishna, Ta'anith.

caution, lest one light it and leave the house. Said Abayi: Let him go (what harm is there in that?). Rejoined Rabha: Because I hold that the Sabbath light is a duty, as R. Na'hman b. R. Zabda or b. Rabha said in the name of Rabh. The (enjoyment of) Sabbath light is an obligation. The washing of hands and feet in warm water toward evening (on Friday) is optional. And I say it is a meritorious act. Why so? Because R. Jehudah said in the name of Rabh: "It was the custom of R. Jehudah bar Ilayi to bathe his face, hands, and feet in warm water, that was brought to him in a trough every Friday toward evening; after that he wrapped himself in a pallium with Tzitzith (show-threads) and thus assumed an angelic appearance."

It is written: "My soul was deprived of peace" [Lam. iii. 17]. What does this mean? Said R. Abuhu: It means (being deprived of the pleasure of) lighting the Sabbath lamp. "I forgot the good" [ibid.]. What does this mean? Said R. Jeremiah: This refers to (the deprivation of) a bath. R. Johanan, however, said: It refers to the washing of hands and feet with warm water. R. Isaac of Naph'ha said: It refers to a good bed and comfortable bedding. R. Aba said: It refers to an arranged bed and an elegantly robed wife for scholarly men.

The rabbis taught: "Who may consider himself rich?" One who enjoys his riches, is the opinion of R. Meir. R. Tarphon says: He who has a hundred fields, a hundred vineyards, and a hundred slaves at work in them. R. Aqiba said: He who has a wife adorned with good virtues. R. Jose said: He who has a place for man's necessity in his house.*

We have learned in a Boraitha: R. Simeon b. Elazar said: "The Sabbath lamp shall not be fed with aromatic balsam." Why so? Rabba said: Because it yields a fine fragrance, it was feared lest one use it (taking it out while the lamp is burning). Said Abayi to him: "Why does not the master say because it is volatile?" Aye, he means this and the other also; the balsam is prohibited because it is volatile, and also for fear lest it be used.

There was a mother-in-law who hated her son's wife, and told her to perfume herself with aromatic oil. When the daughter-in-law had done this, she ordered her to go and light the candle. While complying with this order, she caught fire and was burned.

The rabbis taught: A lamp shall not be fed with defiled

* Toilet rooms were not in vogue at that time, and for their necessity they had to go far out into the field or forest.

"Tebhel"* even on week days, and the less so on the Sabbath. In a similar manner, white naphtha shall not be used to feed a lamp with on week days, much less on Sabbath, because it is volatile.

In the Boraitha it was said that aromatic balsam shall not be used; so also did R. Simeon b. Elazar teach: Aromatic balsam is nothing but resin, that comes forth from aromatic trees.

R. Ishmael said: The (Sabbath) lamp shall not be fed with anything that comes from the trunk of a tree. R. Ishmael b. Beroqa said: It shall be lighted only with such substances as come from fruit. R. Tarphon, however, said: It shall be fed only with olive oil. R. Johanan b. Nuri then arose and said: "What shall the people of Babylonia do, who have nothing but poppy-seed oil? What shall the people of Media do, who have nothing but nut oil? What shall the people of Alexandria do, who have nothing but radish oil? and what shall the people of Cappadocia do, who have no oil of any kind, nothing but tar?" Nay; we have no choice but to accept the decree of the masters as to substances which should not be used. Even fish oil and resin may be used. R. Simeon Shezori said: Oil of wild gourds and naphtha may be used. Symmachos said: No animal fat save fish oil may be used.

MISHNA *III.*: No substance that comes from a tree shall be used (as a wick) save flax. In like manner no substance that comes from a tree becomes defiled when serving as a tent (in which a dead body lies) save flax.

GEMARA: Whence do we know that flax is called a tree? Said Mar Zutra: From what is written: "She took them up to the roof, and hid them in the flax trees" [Josh. ii. 6].

"*No substance*, etc., *save flax*." Whence is this deduced? Said R. Elazar: From the analogy of expressions "tent," which is mentioned in the case of the tabernacle, and in the case of death [Ex. xl. 19 and Numb. xix. 14]. As the tent of the tabernacle was made only of flax, so also in our case, if a tent is made of flax only, it is also called a tent, and is liable to become defiled.

MISHNA *IV.*: A piece of cloth that was rolled together, but not singed, said R. Eliezer, becomes defiled (when it is in the same tent with a dead body), and shall not be used (as a

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* "Tebhel" is the designation of the produce of the field and the garden from which the Levitical gifts or tithes were not separated.

wick) for Sabbath. R. Aqiba, however, said: It remains pure and may be used.

GEMARA: What is the point of their differing? Said R. Elazar in the name of R. Oshia, and so also said R. Ada b. Ahba: The piece of cloth in question is exactly three fingers square, and the lighting is to be done on a feast day, which happens on a Friday. All agree with the opinion of R. Jehudah, who said that (on a feast day) fire may be made with good cloth (or vessels), but not with such as have been spoiled (the same day). Again, all agree with the opinion of Ula, who said that the lighting must be on the largest part of the wick that protrudes from the lamp. Now R. Eliezer holds that the rolling up (of the piece of cloth) does not improve the position (*i.e.*, it is still an object to which the term "cloth" or vessel applies); as soon as it is slightly burned it becomes spoiled material; fire, being applied further, is naturally generated with spoiled material (which is prohibited). R. Aqiba, on the other hand, holds that folding *does* improve the condition and the cloth is no longer a vessel; hence he puts fire to a simple piece of wood (which is allowed).

Rabha, however, said: The reason of R. Eliezer's (prohibition) is that the Sabbath lamp is not allowed to be lighted with a wick or rag that has not been singed.

R. Jehudah in the name of Rabh said: Fire may be made (on a feast day) with vessels, but not with broken vessels. So is the decree of R. Jehudah. R. Simeon permits it. Fire may be made with dates, but after having eaten them fire is not to be fed with their *granum*. A fire may be made with nuts, but after having eaten the kernel one must not feed the fire with the shells, according to R. Jehudah; R. Simeon, however, permits both.

The statement credited to Rabh in the foregoing paragraph was not made by him plainly, but was merely implied from the following act. While in Palestine, one day Rabh was eating dates and threw the pits into the fireplace, upon which R. Hyya said to him: "Descendant of nobles, on a (biblical) feast day this would be prohibited!" Did Rabh accept this or not? Come and hear. While in Babylonia, one feast day Rabh was eating dates and threw the pits to some cattle (for food). Must we not assume that these dates belonged to the class known as "Parsiassa" (a ripe, delicious, free-stone fruit), and if Rabh fed cattle with the pits of this fruit, it was because

they may be used for fuel also, and thus the statement of R. Hyya is contradicted? Nay; it may be the pits that fed the cattle by Rabh were from dates known as "Armiassa" (an inferior fruit, the pits of which cling to the meat). The pits of this latter class of dates, in consequence of the meat still clinging to them, are regarded as dates themselves, and may be handled on the Sabbath. Hence it is obvious that they may also be fed to cattle, and Rabh therefore does not contradict R. Hyya.

MISHNA *V.*: One shall not bore a hole in an egg-shell, fill it with oil, and put it upon the (Sabbath) lamp, so that the oil drip into it; and even if it was a clay one. R. Jehudah permits it. If, however, the potter had attached it to the lamp when he made it, it is allowed to do this, for (together with the lamp) it forms one vessel. A man shall not fill a dish with oil, put it beside the lamp, and dip the (unlighted) end of the wick into it, in order that it should draw. R. Jehudah permits also this.

GEMARA: "*If the potter had attached it*," etc. A Boraitha in addition to it states: If he himself has attached it with mortar or clay, it is allowed. Does not our Mishna say "the potter" (from which it may be inferred that if the owner did it, is it not allowed for use)? Nay; "the potter" means in the manner of the potter.

We have learned in a Boraitha, R. Jehudah said: "Once we kept Sabbath in the attic of Beth Nitza in Lydda. We procured an egg-shell, filled it with oil, and placed it on the lamp. R. Tarphon and the aged scholars were there, and they made no objection to our action." They answered him: "Wilt thou prove by this (that this is allowed)? Beth Nitza is quite a different case, for the men there were very careful."

Abhin of Ziphoris dragged a chair (along the floor on a Sabbath) in the marble hall in the presence of R. Itz'hak b. Elazar. Said the latter: "If I should be silent toward thee (although this floor being marble, no depression can be made by the chair, and thou art not guilty of wrongdoing) as the colleagues were silent toward R. Jehudah, my silence might be misconstrued (and people might think that this can be done on any floor; therefore I say that) this is prohibited in the marble hall as a precautionary measure, lest one do it in any other hall." The head man of the assembly room of Bazra dragged a chair in the presence of Jeremiah the Great. Said the latter to him: "According to whose decision dost thou this?" "According to R.

Simeon." "R. Simeon, however, allowed large things only (to be dragged) if they could not be lifted; but we have never heard from him that he would allow this also with small ones?" This teaching, however, differs with Ulla's theory, who says the dispute was only concerning small things, for as to large ones there was no objection from any one.

MISHNA *VI.*: If one extinguishes a lamp because he is afraid of the officers of the government,* or of robbers, or of an evil spirit,† or in order that a sick person may be able to sleep, he is free. If he does this, however, to prevent damage to the lamp, or to save the oil or the wick, he is culpable. R. Jose declares the man free even in the latter cases, excepting (if he extinguished the lamp to save the wick), for in that case he caused a cinder to be formed.

GEMARA: From the fact that the second part of the Mishna declares the man (who had extinguished the lamp to prevent damage, etc.) culpable, it is evident that this regulation was made by R. Jehudah.‡ Now, how is the first part to be understood? If it speaks of a sick person, whose illness is dangerous, it should not say (that the man who extinguishes the lamp to afford him rest) is "free," but should say that he is "allowed to do it" (even intentionally). And if it speaks of one whose illness is not dangerous, (the one who extinguished the lamp for him) ought to be declared in duty bound to bring a sin-offering? Of a verity, the Tana speaks of a case of dangerous illness, and should have said "it is allowed to do so," but he used the term "free" merely (for the sake of euphony), because in the latter part (of the Mishna) the expression "culpable" was necessary; therefore he taught in the first part of the Mishna, also free. But have we not learned, R. Oshia said, that "in order that a sick person may be able to sleep, one should not extinguish (the lamp on the Sabbath); and if he did so he is not held culpable, though it is not allowed (to be done intentionally)"? The teaching of R. Oshia refers to sickness that is not dangerous, and is in accord with the opinion of R. Simeon.

The question, "Is it allowed to extinguish a lamp for the

* Like the Persians, says Rashi, who had certain nights on which they allowed no lights to burn anywhere but in their sacred shrines.

† The evil spirit here referred to is explained by the commentators to mean "melancholia."

‡ The inference is made on the strength of a rule laid down by R. Jehudah elsewhere, that every unintentional breach of the Sabbath, which is made not out of personal necessity or habit, must be atoned for by a sin-offering. (Rashi.)

sake of a sick person on the Sabbath?" was propounded to Tan'hum of Navi.

He began thus:* "O thou Solomon! Where is thy wisdom? Where is thy folly? Thy words contradict not only the words of thy father, but also thine own utterance. Thy father David said, 'The dead do not praise God' [Ps. cxv. 17], and thou sayest, 'I praise the dead that died long ago' [Eccl. iv. 2], and then again, 'A living dog fareth better than a dead lion' [ibid. ix. 4]. [This presents no difficulty. That which David said, 'The dead do not praise God,' means this: One must always occupy himself with study and with meritorious acts before his death; for as soon as he dies he is free of both, and the Holy One, blessed be He, receives no more praise from him. And the saying of Solomon, 'I praise the dead,' etc., means: When Israel sinned in the desert, Moses stood up before the Lord and offered many prayers and propitiating invocations; but he received no answer. As soon, however, as he said: 'Remember Abraham, Isaac, and Israel, Thy servants' [Ex. xxxii. 13], he was answered forthwith. Now did not Solomon say well: 'I praise the dead that have died long ago'? In another way (this can be explained as follows): The custom is, if a man of flesh and blood issues a decree, it is doubtful whether the people will comply with it or not. If they comply with it while he lives they may disregard it after his death. Moses, our master, on the other hand, has issued many decrees and established many enactments, which stand unshaken forever and aye. Now, did not Solomon say well: 'I praise the dead,' etc.? Another explanation to the above verse may refer to the following legend, which was told by R. Jehudah in the name of Rabh: It is written [Psalms, lxxxvi. 17]: 'Display on me a sign for good, that those who hate me may see it, and be ashamed.' So said David before the Holy One, blessed be He: 'Lord of the Universe, forgive me the certain sin (with Bath-Sheba', II Samuel, xi. 3). And the Lord said: 'It is forgiven.' He prayed again: 'Display on me a sign to make it known.' And the Lord said: 'This will not be done while you are alive, but it will be made known in the time of your son Solomon.' After Solomon had built the Temple and was about to enter the ark into the Holy of Holiness, the doors shut. Solomon had prayed twenty-four

* This apparently far-fetched introduction to an answer to a question of religious legalism illustrates most beautifully how the ethical principle predominated in the rabbinical discussions.

prayers with song, and was not answered. He then began [Psalms, xxiv. 7]: 'Be raised wide . . . and let the King of Glory enter!' The doors then ran after him and wanted to swallow him, saying: 'Who is the King of Glory?' And he said: 'The Lord strong and mighty.' He then said: [ibid., ibid. 9, 10]. And still was not answered. Then he said [II Chron. vi. 42]: 'O Lord God! . . . remember the pious deeds of David thy servant'; he was answered at once, and the faces of his enemies became as black as the outside of a pot; and Israel and all the people were then certain that the above-mentioned sin was forgiven to David. Hence did not Solomon say well: 'I praise the dead,' etc.? And this is what is written [I Kings, viii. 66]: 'On the eighth day . . . and they went unto their tents joyful,' etc.] And as to the above question,* I say this: A lamp is called 'Ner,' and the soul of man is called 'Ner.'† Let rather the Ner which man has made (the lamp) be extinguished, than the 'Ner' (the soul) which belongs to the Holy One, blessed is He."

It was said in the name of Rabh: The sages wanted to conceal the Book of Ecclesiastes because of its contradictory sayings. And it was not so done, because it begins with sound religious teachings and ends with similar teachings. It begins with the words: "What profit hath man by all his toil under the sun?" [Eccl. i. 3]. Whereupon the school of R. Janai said, "*Under* the sun" there is no profit, but there surely is "*beyond* the sun." And it ends with the words: "The conclusion of the matter is, Fear God and observe his commands, for this is all (there is) for man" [Eccl. xii. 13]. What does it mean? Said R. Elazar: (It means) the whole world was created only for the sake of his fear of God. R. Aba b. Kahana said: The God-fearing man outweighs (in importance) the whole world. Simeon b. Azai, others say b. Zoma, said: The whole world was created only to provide him with assistance.

"I praise mirth" [Eccl. viii. 15]. This means the righteous man rejoices when he performs a meritorious act. "And of joy, what doth this do?" [Eccl. ii. 2] alludes to rejoicing that comes not through a Heaven-pleasing deed. This teaches that the divine presence (Shekhina) comes not by sadness, by indolence,

* The liberality of the rabbinical law is evinced by the fact that it regards an act done for the sake of alleviating sufferings on the Sabbath day not wrongful. Every comfort may and should be provided for the sick on the Sabbath day.

† "Ner" is the Hebrew word for candle; the soul is the candle of God.

by hilarity, by levity, by gossip, or by senseless talk, but through rejoicing in a meritorious deed; as it is written: "Now bring me a minstrel; and when the minstrel played, the power of the Lord was upon him" [II Kings, iii. 15]. Rabba said: The same (should be done) in order to enjoy good dreams. R. Jehudah says: The same (should be done) to predispose one's self for legislative work, as Rabba did: Before commencing to expound a Halakha he introduced it with a simile and caused the masters to become joyful; afterward, he sat down in the fear of the Lord and began to expound the Halakha.

It was taught that in the same time they also wanted to conceal the Book of Proverbs on account of its contradictory sayings. And it was not done, because, they said: "Have we not scrutinized the Book of Ecclesiastes and found the meaning (of its contradictory sayings)? Let us then search deeply here (in the Book of Proverbs) also."

Which are the contradictory sayings? It says: "Answer not the fool according to his folly" [Prov. xxvi. 4]; and then again: "Answer the fool in his folly" [ibid. v. 5]. Yet this is no contradiction; the latter refers to a subject of learning, the former saying to a subject of indifferent talk. How is the subject of learning here to be understood? In the following manner. R. Gamaliel lectured: In the future, woman will bear a child every day, for thus it is written: "She conceived and gave birth at a time" [Jer. xxxi. 7]. A disciple laughed at this and said: "There is no new thing under the sun" [Eccl. i. 9]. Said R. Gamaliel: Come, I will show thee such a thing in the world; and he showed him a hen. The same rabbi lectured: In the future trees will bear every day, for it is written: "It will produce branches and bear fruit" [Ezek. xvii. 23]. "As branches are produced for every day, so also will fruit be brought forth every day." Again the disciple laughed and said: "There is no new thing under the sun." Said the master to him: "Come, I will show thee a thing of this kind in the world; and he showed him a caper tree." He lectured also: "The land of Israel will in the future produce ready cakes and garments," explaining the first part of verse 16 of Psalm lxxii. to that effect.

The disciple again laughed at him; but he showed him that ready meats are produced in the shape of mushrooms, and ready garments grow in the shape of many-colored fibres that cover the young date trees.

The rabbis taught: A man should always be as modest as Hillel, and not as impulsive as Shamai. It once happened that two men laid a wager of four hundred zuz, which would be won by him who could provoke Hillel to anger, but lost if he failed in the attempt. This happened on Friday, while the sage was bathing his head. The man who undertook the task went to Hillel's door and cried: "Who is Hillel here? Who is Hillel here?"* The rabbi threw a mantle over his shoulders and went out to meet him. "What desirest thou, my son?" he asked. "I have a question to ask," the man replied. "Ask, my son, ask," said the rabbi. "Why are the Babylonians round-headed?" asked the man. "This is an important question, my son. The reason is that they have no skilled midwives in Babylon," answered Hillel. An hour later the man came again calling: "Who is Hillel here? Who is Hillel here?" The rabbi came out again and said: "What desirest thou, my son?" "I have a question to ask," the man said. "Ask, my son, ask," said Hillel. "Why have the Tarmudites oval eyes?" "This is a very important question, my son. (The Tarmudites) live in a sandy land and must always keep their eyes half closed." An hour later the man came again in his insolent manner, and said again that he had a question to ask. Hillel in his quiet manner again encouraged him. "Why do the Africans have large feet?" he asked. "Because they live in a swampy land," answered Hillel. "I have many more questions to ask, but I am afraid lest thou get angry," continued the man. Hillel wrapped himself in his mantle and sat down, saying: "Ask, my son, all the questions thou desirest." "Art thou Hillel, who is titled a prince in Israel?" asked the man. "Yes, my son," answered the rabbi. "If thou art the man, may there not be many like thee in Israel?" "Why so, my son?" "Because thou makest me lose four hundred zuz." Said Hillel to him: "Take care of thy temper. A Hillel is worthy that twice that amount be lost through him; a Hillel must not get excited."

The rabbis taught. A Gentile once came before Shamai and asked: "How many laws have you?" "Two laws: the written and the oral law," answered Shamai. "I believe thee as regards the written law, but I do not believe thee as to the oral

* Hillel, being the president of the Sanhedrin, should have been addressed according to his rank, but by addressing him thus, it seems, the man thought he could provoke him to anger.

law," said the Gentile. "I will be converted to Judaism on condition that thou teach me the written law." Shamai rebuked him and drove him away.

He then came to Hillel with the same plea, and Hillel accepted him. He began teaching him the alphabet in regular sequence. The next day he taught him the letters backward. "You did not teach me so yesterday," the man objected. "Aye, aye, my son; must thou not repose confidence in me? Thou must likewise repose confidence in the oral law (which appears at first sight different from the written law)."

Another Gentile came to Shamai saying: "Convert me on the condition that thou teach me the whole Torah while I stand on one foot." Shamai pushed him away with the builders' measure he held in his hand. He thereupon came to Hillel, and the latter accepted him. He told him: "What is hateful to thee, do not unto thy fellow; this is the whole law. All the rest is a commentary to this law; go and learn it."

Another Gentile once heard a Jewish teacher instructing his class about the vestments of the high priest. He took a fancy to that, and thought he would accept Judaism in order to be made a high priest. Thus he appeared before Shamai and said: "Convert me on the condition that I be made a high priest." Shamai pushed him away with the builders' measure he held in his hand. He came to Hillel (with the same request), and the latter accepted him. Said Hillel to him: "Do people select a king unless he knows the laws of their government? Thou must study the laws of our government (if thou wilt become a high priest)." The convert began studying Torah. When he came to the passage: "A stranger who comes near (to the vessels of the sanctuary) shall die" [Numb. i. 51], he asked: "To whom does this passage refer?" Hillel answered: "To any one (who is not a descendant of Aaron the high priest), even if he would be David, the king of Israel." Then the proselyte made the following deduction: If the people of Israel, who are called the children of the Lord, so that out of love to them the Omnipotent said: "My first-born son is Israel" [Ex. iv. 22]—if of them it is written, "a stranger that comes nigh shall die," the more so must it be with an insignificant stranger, who is come (within the pale of Judaism) merely with his staff and his bag. He went before Shamai and said: "Am I qualified to become a high priest? Is it not written [Numb. iii. 10]: 'A stranger that comes nigh shall die'?" He then appeared before

Hillel and said: "For thy equanimity of temper, O Hillel! may blessings be upon thy head, for thou hast gathered me in under the wings of the Shekhina." The three converts met some time later, and said: "The impulsiveness of Shamai came near sending us adrift in the world (outside of the pale of religion); Hillel's equanimity of temper gathered us in under the wings of the Shekhina."

Resh Lakish said: What does the verse, "The trust of thy times shall be the strength of salvation, wisdom, and knowledge," etc. [Isa. xxxiii. 6]—what does this mean? (I think that this can be a biblical support to the six divisions of the Mishna which we possess.*) "The trust" comes within the section of "Zeraim" (seeds); "thy times" in "Moed" (festivals); "strength" in "Nashim" (women); "salvation" in "Nezikin" (jurisprudence); "wisdom" in "Qodoshim" (holiness), and "knowledge" in section "Taharith" (purity). And yet "the fear of the Lord is his treasure" (*i.e.*, all these do not avail where there is not the fear of the Lord).†

Rabha said: When a man comes before the (divine) judgment, he is asked: "Hast thou traded in good faith? Hast thou apportioned regular times for study? Hast thou produced children? Didst thou hope for salvation? Hast thou discussed subjects of wisdom? Hast thou formed (logical) conclusions from the things thou hast learned?" After all this (if he can affirm all these questions), if he possessed the fear of the Lord, it was well; if not, it was not so. This is like a man who ordered his agent to store a measure of wheat in the attic. The agent did so. Then the man asked him whether he had mixed some dry dust with the wheat (for protection against weevils), and he answered nay. "It were better," said the merchant, "if thou hadst not stored it."

Rabba b. R. Huna said: "A man who possesses learning,

* The six departments enumerated here are those of the Mishna, into which the rabbis have divided all the subjects touched upon in the Bible.

† "Trust" comes within the department of "Seeds" because the tithe due the priests and Levites by the farmers was not fixed legally as to quantity, but was trusted to the honesty of the donor. "Thy times" comes within "Festivals" for self-evident reasons. "Strength" comes within "Women," for the reason that the Hebrew word, "chosen," also means inheritance, and heirs are naturally produced by women (this is the opinion of Rashi). "Salvation" in "Jurisprudence": all laws pertaining to the saving of life and property. "Wisdom" in "Holiness": the holy sacrifices requiring the exercise of much wisdom. "Knowledge" in "Purity": the determining of pure and defiled things necessarily demanded thorough knowledge of the subject.

but has no fear of Heaven, is like the manager (of a palace) who has the keys to the inside apartments, but lacks the one which opens the outside gate. How can he enter?"

R. Janai proclaimed: "Alas for him who has no dwelling, yet strives to make the door of a dwelling!" R. Jehudah said: The Holy One, blessed be He, created the world only for the purpose that man should fear Him, for it is written: "God hath so made it, that (men) should fear him" [Eccl. iii. 14].

R. Simon and R. Elazar were sitting together as R. Jacob b. Aha came passing by. Said one of them: "Come, let us arise before him, for he is a man that fears sins." Said the other: "Aye; let us arise before him, for he is a son of enlightenment (a scholar)." Said the former: I tell thee that he is a man that is afraid of sins, and thou sayest he is a scholar. Thou shouldst be mindful of what R. Elazar said: The Holy One, blessed be He, has nothing better in the world than (men who possess) the fear of Heaven, for thus it is written: "And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God" [Deut. x. 12].

R. Ulla lectured: What does the passage mean, "Be not wicked over much" [Eccl. vii. 17]. Is it allowed to be wicked at all? Nay, but the passage means this: If one has eaten garlic and has acquired a bad odor, he must not eat more garlic because the bad odor is (about him) already. Rabba b. R. Ulla lectured: It is written: "For there are no fetters in them, but their strength is firm" [Psalms, lxxiii. 4]. The Holy One, blessed be He, said: "It is not enough that the wicked do not trouble for nor fear the day of their death, but that their heart within them is as strong as a strong fortress." Which is similar to Rabba's explanation of the passage: "This is their way; their folly" [ibid. xlix. 14]. The wicked know that their manner (of living) leads them to death, and still their kidneys wax fat (implying their blindness to the fact). Perhaps thou wilt attribute this to their forgetfulness? Therefore it is written: "What will happen after their lives is the subject of their sayings," whence we conclude that while they do not repent, they continually speak of their death.

"*To spare the lamp,*" etc. With whom does R. Jose agree? If he agrees with R. Jehudah, he should declare culpable even these; and if he agrees with R. Simeon, he should declare free even (the man who extinguishes the lamp) for the purpose of saving the wick. Said Ulla: By all means R. Jose agrees with

R. Jehudah, but he holds that if one destroys in order to rebuild in the same place, he is guilty (of the act) of breaking; but if one destroys, not intending to rebuild in the same place, he is not (guilty of) breaking. R. Johanan, however, maintains that he holds as R. Simeon; but in the case of this wick it is different, as R. Hamnunah or R. Ada b. A'haba interpreted our Mishna that it reads "from a wick which needs singeing," and it is such a case. R. Simeon also agrees that it is prohibited because it is considered that he repairs a vessel. Said Rabha: It seems that this explanation is right, as the Mishna states "*to be* formed," and not a cinder *is* formed (already).

MISHNA *VII.*: For three sins women die of childbirth: for negligence (of the laws) during their menstruation, neglect of separating the first dough, and for neglecting to light the (Sabbath) lamp.

GEMARA: Why so? Thus a Galilean master lectured before R. Hisda: The Holy One, blessed be He, says: I have created you with power of blood; I have warned you concerning blood; I have called you "the first produce" [Jer. ii. 3], and charged you to sacrifice the "first of your dough" [Numb. xvi. 21]; the soul that I gave you is called a light, and I have charged you concerning the (Sabbath) light. If you observe these things, it is well; if not, I shall take your souls. But why should this happen at the time of childbirth? Said Rabha: When the ox falls or is felled, it is time to sharpen the knife.*

And when are the sins of men passed upon? Said Resh Lakish: When they pass a dangerous place that is like a bridge (which is unsafe). Rabh would not embark on a ship that carried an idolater. Said he: "His time to be punished may come, and I (being on the same vessel) may have to suffer with him." Samuel, however, would go to sea only on a vessel which carried idolaters, saying: "Satan hardly ever metes out punishment to two people" (of different beliefs). R. Janai always examined a vessel before he embarked. This he did in conformity with his own theory elsewhere, for thus he taught: "A man should never place himself in danger, expecting that a miracle will be wrought for him; for it may be that no such miracle will be wrought, and if a miracle is wrought for him, it will be deducted from the reward due his merits in the

* When the ox is felled the knife should be ready, lest he rise again and cause more trouble; thus it is stated that women die at time of childbirth because, while they are in danger, the punishment for transgressions is also inflicted!

world to come." And R. Hanin said: "Where is this to be found in the Scripture?" From the verse: "I am not worthy of all thy kindness and of all thy truth" [Gen. xxxii. 11]. R. Zera would never walk under date trees in stormy weather. R. Itz'hak b. R. Jehudah said: A man must always pray that he should not become sick, for if sickness befall him, he must be possessed of special virtues in order to get well again. And to the question of Mar Uqba: Is this to be found in the Scripture? he was told that the school of R. Ishmael maintains the passage in question is to be taken from Deut. xxii. 8—viz.: "Peradventure one may fall down from there." The word "Hanofel," which is in the past tense and implies that he has fallen down, although such a case had not happened as yet, is simply a matter of conjecture on the part of this school, which considered a predestined thing as a matter that had already occurred, because the fall was already predestined for the guilty person; as it is said: The reward of virtue is, however, brought about by a meritorious person, while the chastisement for sin is dealt out through a sinner (and his not making a railing around his roof constitutes him a guilty person). [See Deut. xxii. 8.]

The rabbis taught: He who becomes sick, death approaching, should be told to confess his sins, for all those who are to suffer the death penalty must make a confession. When a man goes out to a market (where there are always dangerous people in the crowd), he should consider himself like one arrested by a sergeant. When his head aches, he should consider himself as one put in prison. If he cannot rise from his bed, he should consider himself as one indicted before Gardom (a criminal court); if he has good advocates to defend him, he may go free; if not, he cannot be saved. The defending attorneys of a man (before divine justice) are penitence and good deeds. If there should be nine hundred and ninety-nine accusers against him and only one to plead in his favor, he is saved, as it is written: "If there be a messenger with him, an interpreter, one among a thousand to show unto man his uprightness, then He is gracious unto him," etc. [Job xxxiii. 23]. R. Eliezer b. R. Jose the Galilean said: Even if only one thousandth part of one advocate out of a thousand plead in the man's favor, although the rest speak against him, he is saved; because it is said "one" defender out of a thousand suffices.

There is a Boraitha: R. Simeon b. Gamaliel said: "The laws of holy offerings, heave-offerings, and tithes are integral

parts of the Torah, and yet their observance was intrusted to the common people."

There is another Boraitha: R. Nathan says: For the sin of vows one's wife dies, as it is written [Proverbs, xxii. 27]: ". . . why should he take away thy bed from under thee?" *

Another Boraitha states: R. Nehemiah said: The penalty for the sin of hating without cause is strife at home, the wife (of the sinner) gives birth before her time, his sons and daughters die young.

R. Elazar b. Jehudah says: The penalty for the sin of neglecting the first dough is: no blessing in the harvest, high prices (for necessities), the consumption of the seed by strangers; but if this portion is given, blessings will surely follow, as it is written: "The first of your dough shall you give to the priest, to cause a blessing to rest on thy house" [Ez. xliv. 30]. The penalty for the sin of neglecting heave-offerings and tithes is: the sky withholds rain and dew; dearth comes on, there are no profits, and men run about to earn a livelihood, but they do not succeed. But if these offerings are given, blessings will come, as it is written: "Bring ye all the tithes into the storehouse, etc., and prove me but herewith, saith the Lord of Hosts, if I will not open for you the windows of heaven, and pour out for you a blessing until there be more than enough" [Mal. iii. 10]. The penalty for the sin of robbery is: locust pestilence, famine comes, and the people feed on the flesh of their children, as it is written [Amos, iv. 1–7, q. v.] For the sins of curbing, perverting, and polluting justice, and of neglecting the law, the sword comes on, (enemies take) much spoil, the people eat and are never satisfied, and they must weigh the bread they eat (*i.e.*, eat in small portions, for fear that nothing be left for the next meal), as it is written [Leviticus, xxvi. 25]: "Avenging the quarrel of my covenant," and covenant is synonymous with the Law, as it is written [Jeremiah, xxxiii. 25]: "Thus hath said the Lord," etc. For the sins of unnecessary and false swearing, perjury, blasphemy, and desecration of the Sabbath, many wild beasts come and domestic cattle are destroyed, the population decreases, and the roads are bare (without travellers), as it is written [Lev. xxvi. 18 to the end of the parargaph].

* The text continues with the punishment of death for different sins, which are repeated in other tracts, but we have omitted them here, as they will be translated in the proper place.

For the sin of bloodshed the sanctuary is laid waste and Shekhina departs from Israel, as it is written [Numbers, xxxv. 34]: "And ye shall not render unclean the land which ye inhabit, in the midst of which I dwell; for I, the Lord, dwell in the midst of the children of Israel"; which signifies that if ye render it unclean, the Shekhina will depart from the land. For the sins of adultery, idolatry, and disregard of (the laws of) the Sabbatic and Jubilee years exile comes, and (other nations) take up the place (of the exiles), as it is written [Lev. xviii. and xxvii.]. For the sin of defiling the mouth (speaking indecent things), great oppressions and evil decrees are (constantly) renewed, young men die, orphans and widows cry (for help), but are not answered, as it is written [Isaiah, ix., end of verse 16]: "For all this his anger is not turned away and his hand still remaineth stretched out," which is explained by R. Hanan b. Ahba as follows: "All know for what purpose a bride marries; still, he who defiles his mouth (by speaking of its details), even if a happy life of seventy years is decreed for him, the decree is turned aside." Rabba b. Shila in the name of R. Hisda says: Gehenna is made deep for him who defiles his mouth, as it is written [Proverbs, xxii. 14]. R. Na'hman b. Isaac says: It is made deep even for the one who listens to (indecent talk) and does not protest against it [ibid. 15]. R. Oshia says: He who abuses himself (by masturbation) becomes afflicted with wounds and boils; not only this, but he is punished with dropsy.* R. Na'hman b. Itz'hak says dropsy is an evidence of sin. Samuel the Little took sick with it, and he said: "Lord of the Universe! Who will prove (that I am not guilty of immoral conduct)?" Hereupon he got well again. Abayi took sick with it. Said Rabha: "I know that the Nahmanite (son of Na'hman) starves himself."

The rabbis taught: There are four evidences: an evidence of sin is dropsy; an evidence of hate without cause is jaundice; an evidence of pride is poverty; an evidence of calumny (spreading evil reports about others) is croup. The sickness of croup becomes epidemic for (the sin of neglecting to give) tithes; but R. Elazar b. Jose said, only for the sin of calumny.

R. Jehudah, R. Jose, and R. Simeon were sitting together, and Jehudah, the son of proselytes, sat before them. R. Jehudah opened the conversation, saying: "How beautiful are the

* The text refers also to verses in the Scripture, but as there is no direct proof, we have omitted them.

works of this nation (the Romans). They have established markets, they have built bridges, they have opened bathing-houses." R. Jose said nothing, but R. Simeon b. Johai said: "All these things they have instituted for their own sake. Their markets are gathering-places for harlots; they have built baths for the purpose of indulging themselves in their comforts; they have built bridges to collect tolls from those who cross them." Jehudah, the son of proselytes, went and reported this conversation, and it came to the ears of the government. Said (the rulers): "Jehudah, who has praised (our doings), shall be promoted; Jose, who said nothing, shall be exiled to Sophoris; Simeon, who spoke disparagingly, shall be put to death." R. Simeon and his son then went and hid themselves in the college, and their wives brought them every day some bread and a pitcher of water, and they ate. When the decree became imperative, he said to his son: "Women are of a pliant disposition. They (the government agents) will perhaps trouble them, and they (the women) will reveal our whereabouts." They then went and hid themselves in a cave. A miracle occurred, that a date tree and a spring of water came out for them. They stripped themselves naked and sat down covered with sand up to their necks. Thus they sat all day studying; only at the time of prayer they put on their garments, and after performing their devotion they took them off again for fear they might wear them out. In this wise they spent twelve years in their cave. Elijah then came to the opening of the cave and said: "Who will inform the son of Johai that the Cæsar (governor) is dead and his decree is annulled?" Hereupon they left the cave. They then went forth and saw men who were ploughing and sowing grain. Said R. Simeon: "These people leave the works which lead to everlasting life and occupy themselves with worldly things." After this every place where they chanced to turn their eyes was burned. Suddenly a "Bath-kol" (heavenly voice) was heard, which said unto them: "Have ye come to destroy my world? Go, return to your cave." They returned and stayed in the cave another twelvemonth, saying the punishment of the wicked in Gehenna only lasts twelve months. At the end of that time came again the heavenly voice and said: "Go out of the cave," and they came out. And R. Simeon said to his son: "It is enough for this world that I and you are occupied with the study of the Torah and with good deeds." This happened on a Friday near

sunset. They saw a man hurrying with two bunches of myrtle in his hand. "What are they for?" they asked him. "To honor the Sabbath," was the reply. "Would not one bunch be enough?" "Nay; one is for the command 'remember,'* the other for the command 'observe,'" said the man. Said R. Simeon to his son: "Behold, how Israel loves the commands (of God)." This reassured them.

R. Simeon's father-in-law, R. Pinhas b. Yair, heard (that they were coming) and went to meet them. He took them to the bath-house. While R. Simeon was cleaning his (own) body, R. Pinhas noticed that it was full of blisters; tears ran from his eyes when he saw this, and (the tears falling upon the flesh of his son-in-law) caused R. Simeon pain. Said R. Pinhas: "Woe unto me, that I see thee in this state." R. Simeon rejoined: "Well unto thee, that thou seest me so, for if thou hadst not seen me in this state thou couldst not find in me (all the learning) that thou canst find in me now."

MISHNA *VIII.*: One must say three things in his house on Friday, when it is getting dark—viz.: "Have you set aside the tithes (from the fruit, which is to be eaten on the Sabbath)?" "Have you put up the Erubh?" and "Light ye the lamp." When one is in doubt whether darkness has set in, he must not separate tithes from (fruit of which he is) certain (that tithes had not been set aside), and he shall not put vessels under process of lavation,† and he shall not light a lamp any more. But he may set aside tithes from (fruit of which he is) not certain (that tithes have been set aside), and he may put up the Erubh and also put his victuals into the stove for the purpose of keeping them warm.

GEMARA: Whence is this deduced? Said R. Joshua b. Levi: from [Job, v. 24] "Thou shalt know that peace is in thy tent, and shalt examine thy dwelling, that thou mayest not sin." Rabba b. R. Huna said: Although the masters have taught that "one must say three things," etc., yet he ought to say them quietly, in order that (his family) should accept them from him (in good grace). Said R. Ashi: "I have not heard of this

* In the Decalogue of Exodus the fourth commandment begins with the word "Zakhor" (remember); in Deuteronomy it begins with the word "Shamor" (observe).

† All new vessels must undergo a process of lavation before they can be used [Num. xxxi. 23].

saying of Rabba b. R. Huna before, yet I have always done so as a matter of common sense."

Does not the text contradict itself? It states: "One must say three things, etc., when it is getting dark." This implies that if he is in doubt whether it is getting dark or whether darkness has already set in, he cannot say it any longer. In the latter part, however, it says "if he is in doubt, etc., he may put up an Erubh."

Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: "It presents no difficulty. In the first part it speaks of an Erubh of Techum (that marks the boundary of two thousand ells around the city, where it is allowed for one to walk on Sabbath); in the latter part it speaks of an Erubh by which the neighbors of adjoining courts make common cause."

Rabba said: The rabbis have prohibited putting victuals among things (that preserve but) that do not increase the heat after dark, for fear lest one find them too cold and be tempted to make them boil. Said Abayi to him: "If such is the case, why did they not enact the same prohibition for (the time) when it is twilight also?" Answered Rabba: "At that time the pots are generally boiling hot."

Rabba said again: "Why was it said that one must not put victuals among things that increase the heat, when it is yet day, for fear lest one put them in cinders where there are yet live coals?" Said Abayi to him: "What harm is there? let him do so." And he answered: "It may be feared lest he be tempted to stir the burning coals." The rabbis taught: "Which is the time of twilight?" When the sun sets and the eastern sky is red; when the lower (edge of a cloud) is dark, while the upper part is not yet dark; but when the upper edge (of such a cloud) is as dark as the lower, night has set in. So says R. Jehudah. R. Nehemiah says: (The duration of twilight) is the time one takes to walk half a mile from the moment the sun sets. R. Jose says: Twilight is like the twinkling of an eye; the one (day) goes out, the other (night) comes in, and it is impossible to determine it. And each of them is in accordance with his theory elsewhere; as it was taught: What is the duration of twlight? Rabba in the name of R. Jehudah, quoting Samuel, said: (The time it takes to walk) three-quarters of a mile; and R. Joseph said in the name of the same authority: Two-thirds of a mile. The difference between them is half a danka. (The contrary is the case when a bee-hive is con-

cerned; in that case Rabba said: A bee-hive of two kurs * one may move on the Sabbath; of three, one shall not. R. Joseph, however, said that one may move even a hive of three kurs, but one of four is forbidden. Said Abayi: I have inquired of the master at the time of the deed, and he did not even permit me to move one of two kurs.)

Rabha saw that Abayi was (one Friday) looking toward the east (to calculate the duration of twilight). Said he to him: "Dost thou think the masters spoke of the sky in the *east?* They spoke of an object in the east that reflects the red sky (of the west), like a window (placed eastward of the setting sun).

"It takes one to walk half a mile." Said R. Hanina: "If one wishes to know the time according to R. Nehemiah's calculation, he should leave the sun (see it set) on the top of Karmel (a certain mountain peak on the sea-coast), go down, dive into the sea, and go up (the mountain) again; this will give him the exact time." R. Jehudah, however, in the name of Samuel said: (To know the exact time of twilight may be fixed thus:) "If only one star (can be seen in the sky), it is yet day; if two stars, it is twilight; three stars, it is night." And so also we have learned plainly in a Boraitha with the addition: Said R. Jose: The stars mentioned do not mean the big stars, that can be seen in daytime, and not the small stars, which cannot easily be seen at night, but stars of medium size.

R. Jose b. R. Zebhida said: If one (unintentionally) performs work on both times of twilight (Friday and Sabbath), he must certainly bring a sin-offering (because at one of both times it was certainly Sabbath).

Rabba said to his servant: "You, who are not an expert in the scholarly calculation of time, must light the Sabbath lamp when you see the (last rays of the) sun on top of the trees. In cloudy weather how shall it be? (The lamp must be lit) in the city when the hens go to roost; in the field, when the ravens fly to roost or when the mallow shrub † (inclines its head to the west).

The rabbis taught: Six times was the signal blown on Friday: the first time to stop work in the field, the second to

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* Kur was an ancient measure and cannot be determined at the present time; it may have been about three gallons. See Schoenhak's "Hamashbir." A danka is a twelfth or a half of a sixth part.

† The mallow (*Adana* or *Harna*, see Arukh), more than any other plant, was believed to incline its head toward the sun, like our own sunflower.

stop it in the city and in the stores, the third time to light the lamps. So said R. Nathan. R. Jehudah the Prince says that the third time is sounded to take off the phylacteries. Then (the beadle) waits about as long as is required to bake a small fish, or for bread to cleave to the oven, and he sounds again the three tones * of the signal in succession for the Sabbath (that is already come). R. Simeon b. Gamaliel said: "What shall we do with the Babylonians? They sound the signal first, and then blow the trumpet; from the moment the trumpet is sounded they cease work." They do so because it is with them a matter of inherited custom.

R. Jehudah taught his son, R. Itz'hak: "The third (sounding was a signal) to light the lamp." This agrees with the ruling of R. Nathan.

At the school of R. Ishmael it was taught: Six times the signal is sounded on Friday. When the first sounding begins, those who are in the field stop ploughing and harrowing and all field work. At the entrance to the city those who are near must wait until the distant (farmers) come, so that they enter the city all together. The stores are yet open, and the stalls (upon which wares are laid out) are as yet in their places. As soon as the second sounding begins, the stalls are cleared and the stores closed. The warm victuals (prepared for the Sabbath) and the pots are as yet upon the hearth. As soon as the third sounding begins the pots are taken off the hearth, the warm victuals are put in the stove, and the lamps are lighted. Then (the beadle) waits about as long as it is required to bake a small fish or for bread to cleave to the oven, and he sounds trumpets and sounds the signal again and rests. Said R. Jose b. R. Haninah: "I have heard that if one wants to light up after the six signals he may do so, for the rabbis have allowed some time to the beadle to take his Shophar (horn) to the house (after the six signals). Said the schoolmen to him: "If such were the case, the subject would depend on various measurements of time." Nay, but the beadle has a concealed place upon the roof (where he sounds the Shophar) and puts away his instrument (as soon as he has used it); because neither a Shophar nor a fife may be handled (when the Sabbath is come).

But have we not learned that a Shophar may be handled,

* The three tones of the Shophar are technically designated a "Tekyah" (a long simple note): "Teruah" (a slow trill), and "Tekyah" again. See note to Rosh Hashana, p. 63, first edition.

but a fife may not? Says R. Joseph: This is not contradictory. Our case is that of a Shophar belonging to the community; the case adduced treated of one that belongs to a private party (therefore it is permissible).

Said Abayi: "Why may a Shophar that is private property be handled? Because it is sometimes used for taking up water, to give a child drink; let one that is public property also be allowed to handle, because it may be used in the same manner." Furthermore, was it not taught: "As a Shophar may be handled, so also may the fife be handled?" According to whose ruling is this? There is no contradiction in all this. The one (that a Shophar may be handled, but not a fife) is according to the ruling of R. Jehudah. The other (that both may be handled) is according to the ruling of R. Simeon. The third (that neither should be handled) is according to the ruling of R. Nehemiah. "And what is a Shophar?" The same as a fife, as R. Hisda says: "Since the sanctuary was destroyed the names have become changed; a Shophar is called a fife, and a fife is called a Shophar."

CHAPTER III.

REGULATIONS CONCERNING STOVES, HEARTHS, AND OVENS.

MISHNA *I.*: Cooked victuals may be put on a stove that was heated with straw or stubble. If the stove was heated with the pulp of poppy seed (*i.e.*, poppy seed from which the oil was pressed out) or with wood, (cooked victuals) may not be put upon it, unless the (live) coals were taken out or covered with ashes. Beth Shamai says: (The latter instance) is permissible only in the case of victuals that are to be kept warm, but not of such as are improved by continued cooking. Beth Hillel says: Both alike are permitted. Beth Shamai says: (Victuals) may be taken off the stove, but not put back upon it; Beth Hillel permits it.

GEMARA: The schoolmen propounded a question: "As for the expression 'shall not be put,' does it (referring to a pot that has been taken off the stove) mean 'one shall not put it back,' but if it has not been taken off, it may be left there, even if the live coals were not cleared away or covered with ashes? Or does it mean that the pot should not be left there (even if it was standing there before) unless the live coals have been cleared out or damped, so much the more should it not be put there if it was once taken off?" Come and hear. There being two parts in our Mishna, if the point of controversy is the leaving (of the victuals on the stove, if they were there before), the Mishna is to be explained thus: On the stove that was heated with straw or with stubble the victuals may be left; on a stove that was heated with pressed poppy seed or with wood, the victuals may be left only if the live coals were taken out or covered with ashes. What kind of victuals may be left there? According to Beth Shamai such as are to be kept warm, but not such as improve by cooking. And according to Beth Hillel both. Thus the point of controversy is the leaving of the victuals (that had been on the stove before). And as the (two schools) differ in this matter, so do they also differ in their opinions concerning putting them back upon the stove if they were once taken off. But if you interpret the Mishna to make the

returning of the victuals to the stove the point of their differing —viz., what kind of victuals should be returned (to the stove), according to the former such as are to be kept warm, but not such as improve by cooking, and according to the latter, both. (If you put such a construction upon the text of the Mishna,) to what purpose is it repeated? "Beth Shamai says," etc. It may be said even that they differ concerning putting back, and nevertheless there is no difficulty, as the Mishna is not complete, and should read thus: "If the stove was heated . . . but if they stood there before, they may be left there, even if the live coals are not taken out or covered with ashes." And what may be left? Beth Shamai says only such as are to be kept warm, and Beth Hillel says even victuals requiring cooking; but even in the case of returning (the victuals to the stove, if they have been removed) there is still a difference of opinion between the two schools, for according to the former they may be only taken off, and according to the latter they may be returned also.

Come* and hear. R. Helbo in the name of R. Hama b. Gorion, quoting Rabh, said: "The Mishna speaks only about putting the victuals upon the stove, but as to putting them into the stove it is surely prohibited." Now, if thou sayest the dispute is about returning (the pot to the stove), this remark is correct, for there is a difference to what place it is returned, whether into the stove or upon it; but if the question were about keeping it on the stove while it is there, what difference would it make?

Do you think R. Helbo's report refers to the first part of the Mishna? It refers to the second part, in which Beth Hillel allows it to be returned; and to this he says, even in this case, upon the stove it is permissible, but not into the stove.

The schoolmen propounded a question: "May (a pot with victuals) be placed so as to touch the side of the stove? Does the prohibition which holds good for putting it into or upon the stove apply also here, or is touching its side a different case?" Come and hear. "A stove that was heated with pressed poppy seed or wood may (be used) to put a pot alongside of, but not on, unless the live coals were taken out or covered with ashes." If the coals get dim or fine hurds were put upon them, they are considered as if their fire was damped with ashes. R. Itz'hak

* Here the disciple who advanced the later construction of the Mishna turns the tables on his interlocutor and brings forward an argument in favor of his suggestion, introducing it with the same words as the previous speaker in his argument.

b. Na'hmani in the name of R. Oshia says: If the fire was damped and still it got a-glowing, victuals that are sufficiently warm, and cooked meats that require no more cooking, may be left standing upon it.

Is it to be inferred from this that, if victuals are improved by shrivelling (upon the fire), they may be left there? This is a different case, for the fire was damped. If such is the case, what came R. Itz'hak to teach? "Lest one say that if the fire got to glowing again, it is to be considered as a fire originally started?" R. Itz'hak lets us know that, when once a fire has been damped, we need have no further scruples about letting the victuals remain on it.

R. Shesheth said in the name of R. Johanan: Victuals that require additional warming or additional cooking may be left upon a stove that was heated with pressed poppy seed or with wood; but if they were once removed, they shall not be replaced unless the live coals were taken out or covered with ashes. He was of the opinion that our Mishna (treats) of replacing (a removed pot), but allows (a pot that was not removed) to be left on the stove, even if the live coals are not taken out or covered with ashes. Said Rabha: "Were not both (propositions) expounded in the Boraithoth (that were cited)?" Aye, but R. Shesheth merely wishes to exhibit his construction of the text of the Mishna.

R. Samuel b. Jehudah in the name of R. Johanan said: Upon a stove that was heated with pressed poppy seed or wood, victuals may be left standing, if they are sufficiently warmed and sufficiently cooked, even if shrivelling improves them. Said one of the schoolmen to him: "Did not Rabh and Samuel both say that if shrivelling improves them, it is not allowed? And he answered: "I said this in the name of R. Johanan and not in the name of the above mentioned, as I am aware of it." R. Uqba of Mishan said to R. Ashi: "You, who cherish the teachings of Rabh and Samuel, may follow their regulation, but we will follow the regulation of R. Johanan."

Abayi questioned R. Joseph: May victuals be left (on the stove)? And he answered: Did not R. Jehudah leave (victuals on the stove), and eat them afterward? Rejoined Abayi: The case of R. Jehudah cannot be taken into consideration. He was stricken with a dangerous disease, and for him even (the cooking of victuals) on the Sabbath was permitted; but I ask about (healthy men like) you and me. R. Joseph answered: "In

Sura they do leave. As R. Na'hman b. Itz'hak, who was exemplary in following religious ordinances, was wont to leave and to eat."

R. Ashi said: "I was standing before R. Huna and observed that fried fish was kept (warm) for him and he ate it; but I know not whether (he did it) because he thought that victuals which improve by shrivelling are allowed, or whether he thought that, because there was flour on his fish, continuous warming did not improve it.

R. Na'hman said: (Victuals) that improve by shrivelling must not (be left on the stove); such as deteriorate may. The rule is that all victuals which contain flour deteriorate by continuous warming.

R. Hyya b. Ahba was questioned: "If one forgot his pot and left it upon the stove, and the victuals were thus cooked on the Sabbath, may he eat them or not?" The master gave no answer. The next time he lectured: Victuals cooked on the Sabbath unintentionally may be eaten; intentionally not, but (as regards the pot that is forgotten on the stove) it makes no difference.

What does (the phrase) "it makes no difference" mean? Rabba and R. Joseph both say that the phrase implies that it may be eaten, for one who cooks acts intentionally; but when forgotten there was no act, and therefore he may eat it. But R. Na'hman b. Isaac says the above phrase of "it makes no difference" implies a prohibition. In the case of cooking there is no fear of craft; therefore if he has done it unintentionally, he is not fined; but in the case of forgetting (the pot in the fire) craft may be feared (it means that he may put it in intentionally saying that he forgot), and therefore even if he actually forgets he is not allowed to eat the victuals.

The schoolmen propounded a question: "What about one who had intentionally left (his victuals upon the stove)? Do the rabbis fine him or not?" Come and hear. Samuel b. Nathan in the name of R. Hanina said: "When R. Jose went to Ziporis, he found warm meats that had been left upon the stove, and he did not prohibit their use, but shrivelled eggs that had been left upon the stove he prohibited. Shall we not assume that he forbade their use even on that Sabbath as a fine? Nay, he forbade their use for the following Sabbath."

From this is to be inferred that shrivelled eggs improve by continuous heating. As R. Hama b. Hanina said: "Rabbi and

I were once stopping at a certain place. We were treated with eggs shrivelled like wild pears, and we ate many of them."

"*It may also be put back.*" R. Shesheth said: The Tana who holds that the pot may also be put back (upon the stove) allows this (to be done) even on the Sabbath. R. Oshia is also of the same opinion, for thus he said: "We were once standing before R. Hyya the Great; we served him with a bowl of warm (soup), which was brought from the lower floor (of the house), and we mixed a cup of wine for him, and (afterward) we returned it (the bowl) to its place, and he said nothing." And R. Hyya in the name of R. Johanan said: Even if (the warm pot taken off from the stove) was put upon the ground, it may (still be put back on the stove). Said Hyskiyah in the name of Abayi: "According to them who hold that if he puts it on the floor it may not be returned, it is said only when it was not his intention to return it. But if it was, he may. And from this it is to be inferred that if it was still in his hand, although his intention was not to place it again, he may do so on reconsideration."

MISHNA *II.*: (Victuals) shall not be put either inside or on top of an oven that was heated with straw or with stubble; a firing-pot that was heated with straw or with stubble is (considered by the law) as a stone, but if it was heated with pressed poppy seed or with wood it is considered as an oven.

GEMARA: A Boraitha teaches: If an oven was heated with straw or with stubble, (a pot with victuals) shall not be put close to it (so that it touch the oven), the less so upon it, and still less so into it; so much the less shall (a pot) be put (alongside of an oven) that was heated with poppy-seed pulp or with wood. If a firing-pot was heated with straw or with stubble, (a pot) may be put close to it, but not upon it; with poppy-seed pulp or with wood it must not be put close to it. Said R. Aha b. Rabha to R. Ashi: "How shall the firing-pot be considered? If it is like a stove, even if heated with poppy-seed pulp or with wood (a pot shall be allowed to be put close to it); and if it is like an oven it should not, even if it is heated with stubble or straw?" Answered he: It contains more heat than a stove and less heat than an oven.

What is a firing-pot and what is a stove? Said R. Jose b. Hanina: "A firing-pot has an opening on the top upon which only one pot can be set; a stove has openings upon which two pots can be set at a time."

MISHNA *III.*: An egg shall not be put close to a boiler to

get it settled, nor must it be wrapped in a hot cloth. R. Jose permits it; also it must not be put into hot sand or in the (hot) dust of the road that it be roasted (by the heat of the sun). It once happened that the inhabitants of Tiberias had laid a pipe of cold water through the arm of their hot springs. But the sages explained to them that on the Sabbath this water is considered like any other warmed on the Sabbath, and must not be used either for washing or drinking; and should this be done on a feast day, it is like water heated by fire, which may be used for drinking only, but not for washing.

GEMARA: The schoolmen questioned: How is it if one has done so with an egg? Said R. Joseph: He is liable for a sin-offering. Said Mar b. Rabhina: This is to be understood also from the following Boraitha: Everything that was in hot water before the Sabbath may be soaked in hot water on the Sabbath; things that were not in hot water before the Sabbath may only be rinsed in it, excepting old herrings and Spanish (salted) fish, because with these, rinsing completes their preparation. (The same is the case with an egg; the settling completes.)

"*Nor shall it be wrapped,*" etc. Now, the Mishna which states: "Cooked victuals may be put into a pit for preservation; drinking water into cold bad water to cool; cold victuals in the sun to warm." Shall we assume that it is in accordance with R. Jose and not with the sages? Said R. Na'hman: As to the heat of the sun, all agree that it is allowed; the outcome of heating by fire, all agree that it is prohibited. The point of their differing is the outcome of sun-heating. The one master holds that the use of such heat is prohibited for fear lest one use also the heat that is generated by fire; the other master does not impose such a precautionary measure.

"*It happened that the inhabitants of Tiberias,*" etc. R. Hisda said: With the prohibition by the rabbis of the act of the Tiberians they have also abolished the permission to heat on Friday, even when it is yet day, in such places as increase heat. Said Ulla: "The Halakha prevails according to the Tiberians." Rejoined R. Na'hman: "The Tiberians themselves have already destroyed their pipes." "Washing with warm water," how is this to be understood? The whole body? Is this prohibited only with water that was warmed on Sabbath? Is it not the same even when it was warmed on the eve of Sabbath? As the following Boraitha states: "With water which was warmed on the

eve of Sabbath, on the morrow one may wash his face, hands, and feet, but not the whole body. And if it means the face, etc., how is the latter part to be understood?" "If it was warmed on a feast day," etc.

Shall we then assume that our Mishna states in accordance with Beth Shamai, as they so state plainly elsewhere, to which the Beth Hillel opposed and permitted? Said R. Iyqa b. Hanina: Our Mishna treats of washing the entire body, and it is in accordance with the Tana of the following Boraitha: "One shall not rinse his entire body (on the Sabbath) either with warm or with cold water." So is the decree of R. Mair, but R. Simeon permits this. R. Hisda says their dispute concerns only (water that is) in the ground; but water contained in a vessel is strictly prohibited.

Rabba b. b. Hana in the name of R. Johanan said: "The Halakha prevails according to R. Jehudah." Said R. Joseph to him: "Didst thou hear this explicitly, or dost thou derive it by inference (from a similar teaching)?" "I have heard it explicitly," he answered.

It was taught: If water was warmed on Friday, Rabh said one may wash his entire body in it on the next day, every member separately (*i.e.*, not plunge into it at once). Samuel, however, said: It was not allowed but of the face, hands, and feet. And the following Boraitha supports Samuel: "If water was warmed on Friday, one may wash his face, hands, and feet with it on the following day, but not his entire body, even member by member; and so much less with water warmed on a feast day."

Said R. Joseph to Abayi: "Did Rabba not act according to the decisions of Rabh?" "I know not," he answered.

The rabbis taught: A bath-house, the openings of which were stopped up on Friday (so that the heat should not escape), may be used for bathing immediately after the Sabbath is over. If its openings were stopped up on the eve of a feast day, one may, on the next day, enter it to have a sweat, but he must leave it and rinse his hands in an adjoining room. R. Jehudah said: It happened in a bath-house of the city of B'nai Beraq, that its openings were stopped up on the eve of a feast day. The next day R. Eliezer b. Azariah and R. Aqiba entered it and took a sweat; then they left it and rinsed their bodies in the adjoining room; but the warm water in it had been covered with boards. When the report of this reached the masters they

said, even if the warm water had not been covered with boards, they were also allowed (to do so). However, since transgressing began to increase, they began to prohibit. In bath-houses of large cities one may walk about without fear of people's saying that he went to take a sweat.

What does the expression "transgressing" mean? As R. Simeon b. Pazi in the name of R. Joshua b. Levi, quoting bar Qapara, said: In former times the people were accustomed to bathe (on the Sabbath) in water that was warmed on Friday. The bath-keepers then began to warm the water on the Sabbath, and to tell the people that it had been warmed on Friday. Hereupon they prohibited bathing in warm water, but still they placed no restriction upon taking a sweating (in the bath-room). The people then would come and bathe, but pretend to merely take a sweating. Then sweating was also prohibited, but washing in the hot spring water of Tiberias was still allowed. The people, however, would come and wash themselves in water that was warmed by the fire and say that they washed in the hot spring water. Subsequently warm water was prohibited for bathing altogether, but bathing in cold water was allowed. Seeing that people could not stand the last prohibition, it was therefore revoked, and bathing in the hot spring water of Tiberias was allowed. The prohibition of the sweating bath, however, remained. The rabbis taught: One may warm himself by a hearth-fire and afterwards rinse himself with cold water, but not bathe first in cold water and then warm himself by a hearth-fire, because he warms the water that is on him.

The rabbis taught: One may warm a sponging-cloth and put it upon his bowels (on the Sabbath), but he must not do so with a boiling hot vessel, for this is dangerous even on week days.

The rabbis taught: One may put a pitcher of water before a blazing fire, not to warm it, but to temper the coldness of the water. R. Judah said: A woman may put an oil flask before a blazing fire, not to boil it, but merely to temper it. R. Simeon b. Gamaliel says: A woman may unhesitatingly put oil on her hand, warm it before the fire, and anoint her little son with it without any fear.

Said R. Judah in the name of Samuel: Whether it be oil or water, if the hand is spontaneously withdrawn from it (feeling the scald) it is prohibited, but not otherwise. And what extent of heat is meant by it? Said Rabba: If the belly of a child is scalded by it.

R. Itz'hak b. Abhdimi said: "I once followed Rabbi into the bath-house (on the Sabbath). I wanted to put a bottle of oil for him into the tank (that contained hot spring water). Said he unto me: "Take out some warm water from the tank and put it into another vessel (to warm the oil in). From this we have inferred three things—viz.: First, that oil improves by warming, and it is a prohibited act; second, that if anything is put into a second vessel (not directly into the boiling vessel) it is not considered cooking; third, that the mere tempering of oil is analogous to cooking it.

Said Rabhina: From this story it may be inferred that if one cooks in the hot spring water of Tiberias on the Sabbath he is culpable, for the case happened after the rabbis had imposed the precautionary measure, and yet Rabbi would not allow him (R. Itz'hak) to put the oil directly into the tank. Is that so? Did not R. Hisda say that he who has cooked in the hot spring water of Tiberias is not culpable? The *culpability* to be inferred (from the case of Rabbi) extends only as far as blows of correction * are concerned.

R. Zera said: "I have seen R. Abuhu swimming in a tank, and I know not whether he raised (his feet from the ground) or not. Is it not self-evident that he did not raise them, as there is a Boraitha: One shall not swim about in a pond, even if (that pond) is stationed in a yard. This presents no difficulty. In a pond it is prohibited, because it is similar to a river, while in a tank it is allowed, because it is similar to a vessel.†

R. Zera once found R. Jehudah in the bath. He (R. Jehudah) ordered his servant (in the Hebrew Aramaic tongue): "Bring me the comb; hand me the soap; open your mouths, and exhale the warm air from within you; drink of the (warm) water of the bath." Said R. Zera: "If I had not come but to hear *this*, it were enough for me."

It is correct that he ordered things in the Hebrew language, as private affairs may be said in the same language. The same is with the second order, for Samuel said that heat (from without) drives out heat (from within). But what good is in the order, "Drink of the water of the bath"? It is also correct, as we have learned in the following Boraitha: "If one washed

* "Blows of correction" were inflicted by the rabbis not for an actual sin, but for disobedience to the laws enacted.

† We have translated in accordance with Rashi's second view, as it seems to us to be correct.

himself with warm water and did not drink of it, he is like an oven that was heated from without but not from within."

MISHNA *IV.*: The hot water contained in a "Muliar" (caldron), the live coals of which have been cleared away before the Sabbath set in, may be used on the Sabbath; but the hot water contained in an "Antikhi" (another kind of kettle), even if cleared of live coals, is not to be used on the Sabbath.

GEMARA: What is a Muliar? A Boraitha states: "It is a vessel provided with an attachment for live coals, used for keeping water"; as for an Antikhi, Rabba says it is a Bekiri (a vessel similar to a Muliar, but of heavier construction and continually in use). R. Na'hman b. Itz'hak says: It is a Bedude (a large kettle with an attachment underneath for live coals). There is a Boraitha in support of the opinion of R. Na'hman: "The hot water in an Antikhi, even if the coals thereof are cleared away or damped, is not permitted to be used, for the heavy bottom keeps the heat."

MISHNA *V.*: Into a kettle, the hot water of which has been spilt out and which has been removed from the fire, cold water is not permitted to be poured, for the purpose of heating; but it is permitted to pour water into the kettle, or into a cup, for the purpose of making such water lukewarm.

GEMARA: How is this to be understood? Said Abayi: It means thus: "Into a kettle, the fire of which has been removed, which still contains hot water, a small quantity of cold water may not be poured, for the purpose of warming; but a large quantity, to make the hot water lukewarm is, however, permitted. Into a kettle, the hot water of which has been entirely removed, no cold water at all may be poured, because it tempers the vessel. And it is in accordance with R. Jehudah, who holds that an act which pleases one, if done even unintentionally, is prohibited.

Said Rabh: "Even the above-mentioned large quantity is allowed only to make the water lukewarm; but not such a quantity as will entirely neutralize the hot water and tend to temper the vessel." Samuel, however, permits any quantity.

Shall we assume that Samuel is in accordance with R. Simeon (who opposes the above theory of R. Jehudah), but did he not say that it is permitted to extinguish live dross on public ground (to prevent injury), but not charcoal? And if he agrees with R. Simeon, this also should be permitted? As regards labor tending to the accomplishment of a work (prohibited on the

Sabbath), he holds with R. Simeon; but as to the performance of labor, not for its own sake, he sides with R. Jehudah. Said Rabina: "Since it is permitted to perform labor (prohibited by rabbinical law), in order to prevent injury, it is also permitted to remove thorns from public ground, little by little, in distances of less than four ells at a time (in order to prevent injury); but upon unclaimed ground it may be done in greater distances."

"*But it is permitted*," etc. The rabbis taught: One may pour hot water upon cold, but not cold upon hot water, so is the decree of Beth Shamai; Beth Hillel, however, allows both ways, provided a cup is used; but in a bathing-tub hot water upon cold is permitted, but cold water upon warm is not. But R. Simeon b. Menassiah forbids it. And Na'hman said that so the Halakha prevails. R. Joseph was about to say that a bucket is under the same ruling as a bathing-tub. Said Abayi to him: "So taught R. Hyya, that a bucket is not in this category."

Said R. Huna b. R. Joshua: "I observed that Rabha was not scrupulous with regard to the use of vessels, because R. Hyya taught, one may put a pitcher of water into a bucket of water; it makes no difference whether it be hot water into cold or *vice versa*." Said R. Huna to R. Ashi: "Perhaps this was a different case altogether, it being that there was a vessel within a vessel!" But the latter retorted: "It says: 'To empty'; as it was taught: It is permitted to empty out a pitcher of water into a bucket of water, be it either warm water into cold or *vice versa*."

MISHNA *VI.*: In a saucepan or a pot that was removed from the fire, no spices shall be put after dusk (on Friday); but spices may be put into a plate or a bowl. R. Jehudah is of the opinion that spices may be put in all vessels or cooking utensils except in such as contain vinegar or fish brine.

GEMARA: The schoolmen propounded the following question: Does R. Jehudah refer to the first part of the Mishna, which is lenient, or does he refer to the latter part, which is rigorous? Come and hear. We have learned in a Boraitha that R. Jehudah says: "One may put (spices) into all saucepans and cooking-pots, except such as contain vinegar and fish brine."

R. Joseph was about to say that salt comes under the same ruling as spices, because in his opinion salt becomes cooked in a

first vessel (*i.e.*, the vessel used for cooking), but not in a second vessel. Said Abayi to him: R. Hyya distinctly taught that salt does not come under the ruling applicable to spices, because it does *not* become cooked, even in a first vessel. This is corroborated by R. Na'hman, who said: There is a saying that the dissolving of salt requires thorough boiling, the same as beef.

MISHNA *VII.*: It is not permitted to place a vessel under a lamp so that the oil of the lamp drip into it. If a vessel was placed under a lamp before the Sabbath set in, it may remain there; but the use of such oil on the same Sabbath is not permitted, as it was not previously prepared.

GEMARA: Said R. Hisda: "Although it was said that the placing of a vessel under a hen (laying on sloping ground) to receive the egg is forbidden, yet to cover the egg so as to prevent it from being crushed is permitted."

Said Rabba: The reason of R. Hisda is because he holds that hens being in the habit of laying eggs on level ground, in order to prevent the egg from being stepped upon, it is permitted to cover it with a vessel; but as hens are not in the habit of laying eggs on *sloping* ground, the placing of a vessel under the hen to receive the egg was not allowed.

Abayi objected to this, stating: "Were we not taught in the Mishna that it is permitted to place a vessel under a lamp in order to take up the (dropping) sparks?" (This seldom occurs and therefore it is permitted.) He was told that the dropping of sparks by a lamp is also of frequent occurrence.

R. Joseph, commenting on the statement of R. Hisda, gave another reason—viz.: That the vessel (placed under a hen to receive an egg) is made useless for that same Sabbath.

Abayi raised the same objection, (intending to) prove by it that the vessel placed under a lamp is also made useless on that same Sabbath, and R. Huna b. R. Joshua answered: "Sparks have nothing substantial about them (therefore the vessel containing them is not made useless on the same Sabbath)."

R. Itz'hak said: In the same manner as it is not permitted to place a vessel under a laying hen, so is it also not permitted to cover the egg laid; for the reason that a vessel must not be handled on the Sabbath except for the use of such things as are themselves permitted to be handled on the Sabbath.

All the objections of Abayi being raised against R. Itz'hak's statements, he answered: "In that case there was a lack of space." (If the space occupied by a vessel is needed, that ves-

sel may be removed, and while being removed may be used for *any* purpose.)

Come and hear (another objection). An egg laid on the Sabbath or a festival, to prevent it from being (accidentally) cracked, may be covered with a vessel? Here the case is, also, when the space where the vessel is placed is needed.

Said R. Shesheth (to his disciples): Go ye and tell R. Itz'hak that the above doctrine has already been interpreted by R. Huna in Babylon as follows: It is permitted to make a partition on the Sabbath, to (isolate) a corpse for the sake of the living, but it is not permitted to make a partition for the sake of the corpse. How is the latter clause to be understood? R. Samuel b. Jehudah and also Shila Mari taught: In the case of a corpse lying in the sun (on the Sabbath), (to prevent the corpse from decomposing) two persons are brought to sit on the floor, each on one side (in order to bring about the making of a screen). When the ground underneath them becomes hot, each of them is to bring a cot bed to sit upon, and when the heat above them becomes excessive, they are to bring a sheet and spread it over their heads (leaving part of the sheet loose); both now raise their cots (which take up the loose part of the sheet) and move to their former positions; thus a screen (canopy) is formed of itself.

It was taught: "A corpse lying in the sun." R. Jehudah in the name of Samuel says: The same must be turned over from one bed into another, until it arrives at a shady place. R. Hinna b. Shalmi in the name of Rabh said: A loaf of bread or an infant should be put on the corpse and then the corpse may be moved. There is no difference of opinion as to the removal of a corpse (on the Sabbath), which is permitted when a loaf or an infant is put upon it; they differ only where there is none. One holds that indirect transportation must be considered transportation, and the other opines that indirect transportation is not transportation (and therefore permitted).

Shall we assume that on this point the following Tanaim differ? "It is not permitted to save a corpse from a fire." R. Jehudah b. Lakish, however, says: "I have heard that it may be done." How is the case if there was a loaf of bread or an infant? Why should the first Tana prohibit it? And if there was none, what is the reason of Lakish's decision? Do they not differ in the point of transportation stated above? Nay; all agree that such a transportation is considered; the

reason, however, of Ben Lakish is that usually one is concerned about his dead, and if it would not be permitted to remove it, he will extinguish the fire. Said R. Jehudah b. Shilah in the name of R. Ashi, quoting R. Johanan: The Halakha prevails according to Ben Lakish concerning a corpse.

MISHNA *VIII.*: A new lamp may be handled on the Sabbath, but not an old one; R. Simeon, however, says all lamps are permitted to be handled except such as are still burning.

GEMARA: The rabbis taught: A new lamp may be handled, but not an old one; such is the decree of R. Jehudah.

R. Mair, however, says that all lamps may be moved, except a lamp which was lit for the Sabbath (though the light is extinguished); but R. Simeon says, except a lamp which is still burning. If extinguished, it may be moved; but a goblet, bowl, or lantern (used as lamps, must not be removed from their respective places). R. Eliezer b. R. Simeon, says: It is permitted to make use of an extinguished lamp and of the oil dripping from it, even while the lamp is burning.

Said Abayi: R. Eliezer b. Simeon holds in one case to the opinion of his father, but differs with him in the other. He holds with his father in disregarding Muktza (designation),* and differs with him in the other case; for his father is of the opinion that when a lamp is extinguished it may be moved, but not while it is burning; but he is of the opinion that even a burning lamp may be moved. "But a goblet, bowl, or lantern must not." Wherein do these things differ from the others? Said Mar Zutra: R. Simeon allows a small lamp (to be handled), because one will wait until it is extinguished (and then it may be used for another purpose); but these are large, and not apt to become extinguished for some time. R. Zera said: All the schoolmen agree on prohibiting the handling of a candelabrum which had been lit up on Sabbath, but the handling of the candelabrum which was not lit up on the Sabbath is unanimously permitted.

R. Jehudah in the name of Rabh said: "It is not permitted to handle a bed that has been designated as a place to put money in, if the money had already previously been placed upon it (on Friday during twilight even if on the Sabbath *no money*

* Muktza (designation) refers to such objects as are set aside and designated for non-use on the Sabbath. Thus, all materials that are used in the performance of manual labor (prohibited on the Sabbath) are called Muktza. R. Simeon, however, holds there is no such thing as Muktza.

was on the bed). If the money, however, had not previously been deposited on the bed, the handling is permitted. If a bed was not designated for the keeping of money, but contained money, it must not be handled. If it contained no money, it may (providing no money was deposited on the bed during twilight of the preceding Friday). And Rabh says this because he holds with R. Jehudah concerning Muktza.

And it seems that so is the case, as Rabh said one may place a lamp upon a palm tree at any time while it is yet day on Friday, in order that it may burn on the Sabbath; but one may not put a lamp upon the same on a biblical feast day. (It is permitted to place a lamp on a palm tree on the Sabbath because there is no fear of the tree, which is Muktza [designated], being used; but on a biblical feast day it is prohibited for fear that one while depositing or removing the lamp will also use the palm tree; and that is prohibited.)

And this is correct only in accordance with the theory of R. Jehudah; but should Rabh hold with R. Simeon, why does he make a distinction between the Sabbath and a biblical feast day? The law of Muktza does not exist at all according to R. Simeon.

Is that so? Did not Rabh decide, when he was questioned whether one may remove an extinguished 'Hanukah light on the Sabbath for fear of the Magi (this has already been mentioned in a previous connection), that it may be done? The time of danger is different.* R. Kahana and R. Assi then questioned him: "Does the Halakha so prevail?" and he answered: "R. Simeon is worthy to be relied upon in times of danger."

Resh Lakish questioned R. Johanan: "May wheat that has been sown but that has not yet sprouted, or eggs that are still under the hen, be eaten on the Sabbath? Does he (R. Simeon) disregard the law of Muktza only in such cases where the objects were put aside with no intention of ever being used again, or does he disregard Muktza under all circumstances?" He (R. Johanan) replied: "There is no Muktza in his theory but the oil in a burning lamp, because if poured in a lamp for the purpose of keeping the Sabbath-light commandment it is designated for that express function, and as it is not permitted to extinguish that light, the intention not to use the oil for any other purpose is self-evident. But does not R. Simeon hold that the

* The Talmud here refers to Persian festivals, when the burning of lights was prohibited except in sacred shrines.

same is the case with other things which were designated for their religious purposes? Is it not a fact that the ornaments of the tabernacle on that festival must not be used, even in accordance with R. Simeon's theory? As R. Hyya b. R. Joseph taught in the presence of R. Johanan: "One must not remove wood from a booth on any biblical feast day, but he may remove it from any place near by? R. Simeon, however, permits this to be done. Still, they *all* agree that wood must not be removed from a booth built expressly for that feast, on all the seven feast days. However, if there was a stipulation it may be done accordingly" (because the wood is set aside for the ritual purpose). Hence even according to him the designation for ritual purposes must not be used. Why, then, is this different from the oil in question? The Boraitha is to be understood thus: All the ornaments of the booth in question are prohibited so far as all things bearing similitude to the oil in the burning lamp are concerned. And so also it was taught by R. Hyya b. Abba in the name of R. Johanan, that there is no Muktza in the theory of R. Simeon, but in cases which are similar to the oil of the lamp while burning, being designated for the ritual purpose, they are also designated not to be used. Said R. Jehudah in the name of Samuel: "In the opinion of R. Simeon no law of Muktza exists except in the case of raisins and dates which were placed on the roof to be dried." (In such a case there certainly was no intention to use them on the same Sabbath.) Said Rabba b. b. Hana in the name of R. Johanan: "It was said the law remains in accordance with R. Simeon. When R. Itz'hak b. R. Joseph, however, came from Palestine, he said in the name of R. Johanan that the law (of Muktza) according to R. Jehudah prevails, and R. Jehoshua b. Levi said the law prevails with R. Simeon. Said R. Joseph: Now is understood what Rabba b. b. Hana said in name of R. Johanan, *it was said* that the Halakha prevails according to R. Simeon, which means that R. Johanan himself did not agree with their decision. Said Abayi to R. Joseph: "Didst thou not know before this that R. Johanan holds with the opinion of R. Jehudah? Is it not a fact that when R. Abba and R. Assi met in the house of R. Abba of the city of Heifa and a candelabrum fell upon the coat of R. Assi, he (R. Assi) did not remove it? Was it not because he was a disciple of R. Johanan and acted according to the opinion of his master?" Answered R. Joseph: "Thou art speaking of a candelabrum. A candelabrum is a

different matter altogether, for R. Ahai b. Hanina in the name of R. Assi said: Resh Lakish has decided in Zidon, a candelabrum which can be removed with one hand may be handled, but if it has to be removed with both hands it may not; and R. Johanan said: We only hold with R. Simeon in the matter of a lamp; but as for a candelabrum, whether it can be removed with one or both hands, it is prohibited. And why so? Both Rabba and R. Joseph said: Because a separate place must be designated for it.

Said Abayi to R. Joseph: "Have we not observed the case of a baldaquin prepared for a bride and groom, for which a place must be designated? And yet Samuel said in the name of R. Hyya that such may be put up and taken apart on the Sabbath." Said Abayi: The prohibition to handle the candelabrum holds good only in a case where the same is made of several parts. If this be the case, what reason has R. Simeon b. Lakish for allowing this? Say: Not a candelabrum *made* of various parts, but if it looks *like* a candelabrum of various parts. Therefore a candelabrum made of several parts, be it large or small, must not be handled. The handling of a large candelabrum, even if not made of several parts, is also prohibited on account of its marked lines, for fear one may handle such as *are* made of several parts. And the point of their differing is: With a small candelabrum which looks as if made of several parts, one takes the precautionary measure lest one handle that which is really made of several parts, while the other does not care for such a precaution.

R. Malkia chanced to be in the house of R. Simlai and handled a candlestick, the light in which had been extinguished, and R. Simlai became angry on that account. R. Jose the Galilean happened to be in the town of R. Jose b. Hanina and did the same, whereupon R. Jose b. Hanina became angry. R. Abuhu, however, when he happened to be in the place of R. Jehoshua b. Levi, handled, but when he came to the place of R. Johanan he did not handle a candlestick in question out of respect to R. Johanan. R. Jehudah said: A lamp which has been filled with oil may be handled after the light has been extinguished (because it emits no bad odor), but one which contained naphtha may not be handled (on account of its bad odor). Both Rabba and R. Joseph also permit this.

R. Avia once came to the house of Rabha with muddy shoes and sat on the bed in the presence of the latter. This made

Rabha angry, and he tried to disconcert R. Avia with questions. Said he (Rabha): "Can you tell me why Rabba and R. Joseph both said that a lamp filled with naphtha may be handled?" Answered R. Avia: "The reason of their decision is because the lamp is fit to cover a vessel with after being extinguished." And he rejoined: "If this is so, one may also handle shavings scattered in the yard, because they also can be used to cover a vessel with." Answered R. Avia: "A lamp, being a vessel itself, can be used to cover other things with, but shavings are not vessels in themselves and therefore cannot be used singly as covers" (and brought a Boraitha which states that nose jewels, rings, etc., are considered among the vessels which may be handled on Sabbath, and Ulla explained the reason why, because they are considered as vessels). Said R. Na'hman b. Itz'hak: "Praised be the Lord that Rabha did not put R. Avia to shame."

Abayi pointed out to R. Joseph the following contradiction: "Did R. Simeon say that a light may be handled only when extinguished, but if burning it must not be handled? For what reason? Because there is a chance of extinguishing it while it is being handled?" Have we not learned that R. Simeon said: "An act which is committed unintentionally is permissible." Such is the decision of R. Simeon? (This presents no difficulty.) One must not take chances with an act which, if done intentionally, would cause a violation of a biblical ordinance; but if the violation would be only that of a rabbinical ordinance, chances may be taken.

Objected Rabha: "We have learned: Dealers in clothing may sell clothes made of wool and cotton mixed. They are permitted to try on such clothes or to carry them (temporarily) on their shoulders, provided the intention to use them as a protection against the sun and rain does not exist. Now, the wearing of a mixture of wool and cotton is biblically prohibited, still R. Simeon permits it to be done temporarily. Therefore said Rabha: "Discard the case of the lamp, oil, and wick; there is another reason entirely—viz., because one becomes a basis of a thing the handling of whch is in itself prohibited (*i.e.*, the light in itself cannot be handled)."

Said R. Zera in the name of R. Assi, quoting R. Johanan, who said in the name of R. Hanina that he was told by R. Romnas: "Rabbi permitted me to handle a pan containing glowing ashes."

And R. Zera himself was deliberating: Did indeed R. Johanan say so? Have we not heard that Rabba b. b. Hana said in his (R. Johanan's) name, referring to our Mishna, which states that a man may handle a box containing a stone: "He may do so providing the box also contains fruit." How, then, could R. Johanan permit a pan with glowing ashes to be handled?" R. Assi was astounded for some time, but finally answered: "The pan referred to still contained some grains of incense."

But Rabha said: While we were in R. Na'hman's house we handled a fire-pot on account of its ashes (the ashes were needed for some purpose, therefore the pot was allowed to be handled), although there were some broken sticks of wood upon it.

The schoolmen raised the following objection: R. Simeon and R. Jehudah agree that if there are broken pieces of wick in a lamp, it is prohibited to handle the lamp. Said Abayi: "This was taught in Galilea" (Galilea is a state where linen cloth is scarce, for which reason the broken pieces of wick are valuable, and the lamp, being the receptacle of prohibited valuables, is not permitted to be handled on the Sabbath).

Levi, the son of Samuel, met R. Abba and R. Huna the son of Hyya standing at the entrance of R. Huna's house; and Levi questioned: "Is it allowed to fold the beds of travelling coppersmiths on a Sabbath?" They answered: "Yea." In allowing this the two rabbis held with (the opinion of R. Simeon b. Gamaliel in a) following Boraitha: It is not permitted to put together a bed which has been taken apart; but if one did so, he is not culpable. One must not fasten the bed with pegs, but if he did so he only lays himself liable to bring a sin-offering. R. Simeon b. Gamaliel, however, said: "If the bed was loose it may be fastened."

R. Hama had a folding-bed in his house. He put it together on a biblical feast day, and one of the young rabbis questioned Rabha: "What reason is to be found for this act? Is it because of indirect building; granted that there is no biblical prohibition to this effect, there surely is a rabbinical?" Answered Rabha: "I think that the reason is the decision of R. Simeon b. Gamaliel (with whom I agree) that it is permissible to put a bed together if the bed is loose."

MISHNA *IX.*: One may put a vessel underneath a lamp for the purpose of receiving the sparks falling from the lamp, but he shall not put water into the vessel, because thereby the sparks would become extinguished.

GEMARA: Would this act not render the vessel useless? Said R. Huna the son of R. Jehoshua: "The vessel is not made useless, because sparks do not amount to anything."

"*He shall not put any water into it,*" etc. Shall we assume that this anonymous Mishna is in accordance with R. Jose, who said that it is prohibited even to *cause* light to be extinguished? How can you explain this in this way? R. Jose spoke of the Sabbath itself; have you heard him saying so about the eve of Sabbath? And should you say that here is also meant on Sabbath itself, there is a Boraitha which states plainly: A vessel may be put under the lamp to receive sparks on Sabbath, and so much the more on the eve of Sabbath; but water must not be put in, even on the eve of Sabbath, and much less on the Sabbath itself. Therefore said R. Ashi: "It may be said that it is in accordance even with the rabbis, who do not mind the causing of light to be extinguished through indirect means on the Sabbath. In this case, however, the sparks are extinguished (through direct means, *i.e.*) by placing water underneath the lamp."

CHAPTER IV.

REGULATIONS CONCERNING VICTUALS, WHERE THEY MAY OR MAY NOT BE DEPOSITED TO RETAIN THEIR HEAT FOR THE SABBATH.

MISHNA *I.*: Wherein may hot vessels be deposited (to retain the heat) and wherein may they not? Depositing in Gepheth (olive waste), dung, salt, lime, and sand, either wet or dry, is not allowed. In straw, grape-skins, wool-flocks, or grass it is permitted, provided they are dry, but not when they are still wet.

GEMARA: A question was propounded: "Is the use of olive waste only prohibited, but the use of the oil-cakes allowed; or does the Mishna allude to oil-cakes and still more so to olive waste (for it produces more heat)?" For the purpose of depositing in, both kinds are not allowed; (but if the victuals have been deposited in a permissible thing and were subsequently placed on oil-cakes no wrong was done, because) oil-cake does not produce heat; olive waste produces heat.

Rabba and R. Zera once met at the Exilarch's house; they saw there a servant putting a can (with warm water) on top of a kettle (containing cold water), and Rabba rebuked him. Said R. Zera to him: "In what particular does this case differ from that of putting one pan on top of another?" Answered Rabba: "Here heat is produced, but there it is only preserved." Another time they saw (the servant) spreading a turban over a pitcher and putting a cup on top of it. Again Rabba rebuked him. R. Zera asked for the reason, and Rabba answered: "You will soon see him wringing* the turban," which he did. R. Zera again asked: "In what particular does this case differ from that of a spread cloth?" Answered Rabba: "Here he is particular (lest it become wet and he will wring it), while there he is not."

"*In straw.*" R. Adda b. Masna questioned Abayi: "May wool-flocks, in which (victuals) were deposited, be handled on Sabbath?" Abayi answered: "Because of a lack of straw,

* Wringing (in Hebrew, Se'hitah) is prohibited on the Sabbath.

would a man sacrifice a valuable lot of wool-flock?" (When placing victuals in straw no intention to make further use of the straw exists, and it becomes part of the pot itself; with wool-flocks the case is different, for they are intended for further use and therefore must not be handled on Sabbath.)

R. Hisda permitted the replacing of waste (fallen out) of a pillow on Sabbath.

R. Hanan b. Hisda objected to him from the following: "Untying the opening (for the neck) of a shirt is permitted on Sabbath, but cutting it is prohibited, and waste must not be placed into a pillow or bolster on a biblical feast day, much less on a Sabbath."

This presents no difficulty. Placing new waste in a pillow-case is not allowed, but replacing old waste is allowed. And so also we have learned plainly in a Boraitha, that when they fall out they may be replaced even on Sabbath, and much the more on a feast day.

R. Jehudah in the name of Rabh said: "Whosoever makes an opening (for the neck in an unfinished shirt) on Sabbath is liable to a sin-offering."

R. Kahana opposed, saying: What is the difference between an opening for the neck and a bunghead (in a barrel)? Rabha answered: A bunghead is not attached to the barrel (*i.e.*, it forms no part of it), but an opening for the neck is made by an incision in the shirt, and hence is part and parcel of same. In Sura the following doctrine was taught in the name of R. Hisda, and in Pumbeditha the same was taught in the name of R. Kahana or Rabha: "Who was the Tana in whose name the sages taught that the part and parcel of a thing is on a par with the thing itself?" Said R. Jehudah in the name of Rabh: "It is R. Meir (of the Mishna, Kelim, VIII.) who holds that the attachment built on a hearth is on a par with the hearth itself and becomes unclean when touched by an unclean thing."

"*When wet.*" A question was propounded: Naturally or artificially wet? Come and hear. The Mishna says: "Not with straw, nor with grape-skins, nor with wool-flocks, nor with grass when wet." It is right only if we accept the theory that they became wet, but should we venture to think them naturally wet, how is this to be imagined? Can wool-flocks be naturally wet? The sweaty wool under the hips may be meant. Did not R. Oshia teach we may deposit in dry cloth and dry fruit, but not in wet cloth or wet fruit? How is naturally wet

cloth to be imagined? This may also mean cloth made from the sweaty wool under the hips of the sheep.

MISHNA *II.*: It may be deposited in cloth, fruit, pigeon feathers, shavings, and fine flaxen tow. R. Jehudah forbids the use of fine, but permits the use of coarse flaxen tow.

GEMARA: "*Shavings.*" A question was propounded: Does R. Jehudah forbid the use of fine *shavings* or fine flaxen tow? Come and hear. We have learned in a Boraitha, R. Jehudah says: Fine flaxen tow is the same as dung, which increases heat; therefore the conclusion is that he means flaxen tow.

MISHNA *III.*: It may be deposited (wrapped) in skins, and they may be handled; in shorn wool, and must not be handled. How can this be done? The lid is raised and it (the shorn wool) falls down. R. Elazar b. Azarya says: The vessel is bent sideways lest it be taken out and cannot be replaced, but the sages say it may be taken out and replaced.

GEMARA: A question was propounded by R. Jonathan b. Akhinayi, R. Jonathan b. Elazar, and R. Hanina b. Hama: Does the Mishna allude to skins beloning to private men only, hence skins belonging to an artisan, who is particular with them, may not be handled under any circumstances; or perhaps the Mishna allows even an artisan's skins? Answered R. Jonathan b. Elazar to them: It is reasonable to accept that it applies only to those belonging to private men but not to artisans, because they (the artisans) are particular. Said R. Hanina b. Hama to them: Thus said R. Ishmael b. Jossi: "My father was a tanner, and he said, 'Bring some skins here to sit on.'"

An objection was raised: Boards of private men may be handled, but not those of artisans (if, however, the intention is to serve a meal on them for guests both kinds may be handled)? With boards it is different. Even private men are particular with boards.

On this point the following Tanaim differ: Skins belonging to private men may be handled, but not those of artisans. R. Jossi says both kinds may be handled.

While they were sitting together another question was propounded by them: The forty less one principal acts of labor on Sabbath, where are they taken from? Said R. Hanina b. Hama: "From the acts of labor performed at the tabernacle." R. Jonathan b. Elazar, however, said: Thus said R. Simeon b. Jossi b. Laqunia: From the thirty-nine times the words "work," "his work," and "work of" are to be found in the Pentateuch.

R. Joseph questioned Rabba: Is the term "his work" which is found in the passage "and Joseph came into the house to do his work" [Gen. xxxix. 12] also of the number or not? Abayi answered him: "Let us bring the book and count," and he rejoined: "I am in doubt whether the verse 'and the work was enough' [Ex. xxxvi. 7] is of the number, and the former verse is to be explained 'he came in to do his business,' or whether the former is of the number and the latter is to be explained 'the task was completed.'" (Both verses cannot be counted among the thirty-nine, because if they are there will be forty in all.) This question remains unanswered.

It is proven by a Boraitha that the adduction of the thirty-nine acts is made from the acts performed at the tabernacle, for we were taught: One is culpable only for the performance of such work as was done at the building of the tabernacle. They have sown, but ye must not sow; they have harvested, but ye must not; they have loaded the boards from the ground upon wagons, but ye must remove nothing from public into private ground; they have unloaded from the wagons to the ground, but ye must not remove from private into public ground; they have transferred from one wagon into another, but ye must transfer nothing from private into private ground. "From private into private ground." What wrong is committed by that? Both Abayi and Rabha, and according to others R. Adda b. Ahabha, said: "From private into private ground by way of public ground."

"*In shorn wool and may not be handled.*" Rabha and Rabhin in the name of Rabbi (Jehudah Hanassi) said: "It is only taught, when not designated for the purpose of depositing in them, but if designated for that purpose they may be handled." Rabhina says that the teaching of the Mishna is applicable to shorn wool taken from stock (of a store).

The following Boraitha is in support of this: Shorn wool taken from stock is not to be handled, but if prepared by a private man for a purpose it may be handled.

Rabba b. b. Hana taught before Rabh: Palm branches, if cut off for use as fuel and finally intended for sitting purposes, must be tied together (before the Sabbath). R. Simeon b. Gamaliel said it needs not tying. He who taught this has himself declared that the Halakha prevails in accordance with R. Simeon b. Gamaliel.

It was taught: (In relation to sitting on palm branches cut

off for use as fuel) Rabh said (it must be) tied. Samuel said: The intention on the eve of Sabbath suffices; and R. Assi said: Sitting (on them before the Sabbath), even if not tied nor previously intended for sitting purposes on the Sabbath, is sufficient. It is clear that Rabh holds with the first teacher and Samuel holds with R. Simeon b. Gamaliel, but whom does R. Assi's opinion agree with? He is in accordance with the Tana of the following Boraitha: It is permitted to go out (on Sabbath) with a flax or wool plaster (on a wound) when dipped in oil and tied with a string, but it is not permitted when the plaster is not dipped in oil or tied with a string; but if one went out with it only a little before the Sabbath, even if not dipped in oil and tied, it is permissible. Said R. Ashi: "We were also taught in a Mishna in support of this; but who is the teacher that does not agree with R. Simeon b. Gamaliel?" It is R. Hanina b. Aqiba, for when R. Dimi came from Palestine he said in the name of Zera, quoting R. Hanina: R. Hanina b. Aqiba once went with his disciples to a place and found some palm branches tied together to be used as fuel; he said to his disciples: "Make up your minds to sit on them to-morrow." I do not know whether there was to be a wedding or a funeral that following day, but the inference from this narration is: Only in the case of a wedding or funeral, when people are busy (and could not tie them up), the intention is sufficient, but otherwise tying together is necessary.

R. Jehudah said: "One is permitted to carry in a box of sand on the Sabbath for the purpose (of covering up an unclean place) and use the remainder for any purpose whatever. Mar Zutra, in the name of Mar Zutra the Great, interpreted this—providing he singled out a corner for it. Said the rabbis before R. Papa: "Is this teaching (of the great Mar Zutra) in accord only with the opinion of R. Simeon b. Gamaliel, but not with that of the rabbis who require action rather than intention?" R. Papa answered: It may even be in accord with the rabbis, who require action only where it is possible, and this action (tying together or sitting on sand) is impossible (as reserving a corner for them is not considered an act, but an intention only).

R. Jehudah permits the use of the dust of incense on the Sabbath. R. Joseph permits poppy-seed waste. Rabha permits pepper dust and R. Shesheth *Barda*, to wash the face with. What is Barda? Said R. Joseph: A powder of one-third

aloe, one-third myrrh, and one-third violet. R. Nehemiah b. Joseph also permits Barda, provided it does not contain more than a third part of aloe.

R. Shesheth was asked if it was permitted to crush olives on Sabbath? He answered: "Is it permitted on week days?" He is of the opinion that the spoiling of food is not allowed.

Barda was brought to Ameimar, Mar Zutra, and R. Ashi. Ameimar and R. Ashi washed themselves with it, but Mar Zutra did not. They asked him: "Do you, Master, not hold with R. Shesheth, who permits the use of it?" Said R. Mordecai to them: Leave out the master in this question, for he does not even use Barda on week days. He holds with the following Boraitha: "One is permitted to scratch off crust of excrement and of wounds only for the purpose of relieving pain, but not for the purpose of beautifying the person." And the above-mentioned rabbis agree with the teaching of the following: One should wash his face, hands, and feet daily out of respect for his Creator, as it is written [Prov. xvi. 4]: "Every thing hath the Lord wrought for its destined end."*

"*The vessel is bent sideways*," etc. Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: If the cavity formed by the vessel got out of shape it is not permitted to replace (the vessel). There is an objection from our Mishna: "And the sages say it may be taken out and replaced." How shall this be understood? If the cavity remained intact the rabbis did well by telling us that the replacing of the vessel was allowed; but if the cavity got out of shape, is it not self-evident that replacing is not permitted? Nay; they still maintain that the cavity did not get out of shape, and the controversy (in the case) is as regards precaution. One maintains that this precaution is to be taken (lest we replace the vessel when the cavity is out of shape), while the others contend this is not necessary.

R. Huna said: "A fragrant plant used after meals in place of burnt spices, if it was taken out of and replaced in the flower-pot before Sabbath, it may be taken out, used, and replaced on Sabbath, but not otherwise. Samuel said that the same is the case with a knife that was preserved between the bricks. Mar Zutra, according to others R. Ashi, said that a knife may be preserved between the branches of the root. And

* The expression in Hebrew is *lema'anehu;* literally, "for his own purpose." Leeser translates for the purpose of the things created; the Talmud, however, takes it literally.

R. Mordecai said to Rabha that R. Qatina has objected to the above rabbis, who said that if it were not replaced before Sabbath it must not be used, from a Mishna (Kilaim, I. 9), which states plainly that it may be taken out on Sabbath. This question remains.

MISHNA *IV.*: (A vessel) not covered during daylight must not be covered after dark. If, after having been covered, it became uncovered, it is permitted to cover it again. A pitcher may be filled with cold victuals and put under a pillow (to keep it cool).

GEMARA: R. Jehudah in the name of Samuel said: "It is permitted to store cold victuals (to protect them from the sun)." Said R. Joseph: "What news came he to teach? Have we not learned this in the above Mishna?" Abayi answered: "A great deal! From the Mishna I would infer that only such things as are not usually stored are permissible (for in that case no precaution lest one put warm victuals under a pillow or bolster for the purpose of generating heat is necessary); he informs us, however, that even such things as are usually stored are permissible also." R. Huna in the name of Rabbi, however, says: "It is prohibited." Were we not taught that Rabbi has permitted this? This presents no difficulty. In the former instance he did so when he was not as yet aware of the following decision of R. Ishmael b. Jossi. Rabbi at one time decided that it is forbidden to store cold victuals. Said R. Ishmael b. Jossi to him: "My father permitted it," whereupon Rabbi said: "If this sage has once permitted it, so shall it be done." Said R. Papa: Come ye and note the mutual respect: Had R. Jossi been alive, he would have had to show respect to Rabbi; as R. Ishmael, who succeeded his father in every respect, also has acknowledged Rabbi's superiority. Still Rabbi accepted his decision.

R. Na'hman said to his slave Doru: "Store some cold victuals for me and bring me warm water from a Gentile cookshop." R. Ami heard this and was angry. Said R. Joseph: "What was the reason of his anger? Did not R. Na'hman act in accordance with the teachings of the great masters, Rabh and Samuel?" R. Jehudah in the name of Samuel said: It is permitted to store cold victuals, and R. Samuel b. R. Itz'hak said in the name of Rabh: Anything that may be consumed raw is not included in the prohibition relating to cooking by a Gentile; he (R. Ami), however, was of the opinion that, although it is

allowed, a man of note should not practise it (because the layman seeing such things of the scholar he might allow himself still more).

The rabbis taught: "Although the sages said it is not allowed to deposit (warm victuals) after dark, even in such receptacles as do not increase the heat, still, if already deposited, it is permitted to add more cover. How can this be done? R. Simeon b. Gamaliel says: "In cold weather the covering sheet may be taken off and a blanket substituted; in warm weather the blanket may be taken off and a sheet substituted." Furthermore said the same: "The sages prohibited (to deposit warm victuals) only in the same pan in which they were cooked, but if emptied into another pan it is permitted; and there is no fear of one coming to cook (on the Sabbath); for (the act of) emptying (the victuals) from the cooking-pan (into another) proves (that there is no such intention).

If one deposited a pot (containing victuals) in material that may be handled on the Sabbath, and covered it with the same, or even deposited it in non-permissible material, but covered it with permissible, he may take out the pot and replace it; but if he deposited it in non-permissible material and covered it with the same, or even deposited it in permissible, but covered it with non-permissible material, he *may* take *out* the pot, but can replace it only if the pot was but partly covered. Otherwise, he must not replace it at all.

It is permitted to put one cooking-pan upon another, and also one earthen pot upon another, but not an earthen pot upon a cooking-pan, or a cooking-pan upon an earthen pot. (Even on Sabbath) the cover of a pot may be fastened down with dough (kneaded on Friday before dusk). In the case of putting one pan or pot upon another, this may be done only to preserve the heat, but not for the purpose of heating the upper pot by means of the lower one.

The same as it is forbidden to store warm (victuals), so it is also forbidden to store cold (victuals) on the Sabbath; but Rabbi permitted the latter to be done. Even so is it prohibited to chop ice on Sabbath in order to obtain cold water, but ice may be put into a vessel or a pitcher without fear of the consequences.

CHAPTER V.

REGULATIONS CONCERNING WHAT MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH.

MISHNA *I.*: What gear may we let animals go about in and what not ?* The male camel in a bridle; the female camel with a nose-ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).

GEMARA: R. Jehudah in the name of Samuel said: "Rabbi was asked, How is it when the reverse is the case ? *i.e.*, when the female camel is bridled and the male camel is invested with a nose-ring ? May they be allowed to go about ? There is no question as to a bridle on a female camel, for it is considered a burden; as to a nose-ring on a male camel, shall we assume that it is merely an additional safeguard, and thus becomes permissible, or is it an unnecessary safeguard and hence not allowed ?" R. Ishmael b. Jossi answered: "Thus my father said: Four animals may go about with a bridle on—the horse, the mule, the camel, and the ass." A Boraitha states: Lydda asses and camels may go about with a bridle on. The following Tanaim, however, differ as to this point (whether a superfluous safeguard is a burden or not): one maintains that no animal may go about burdened with a chain; but Hananya says a chain or anything else that is intended as a safeguard is permitted.

Said R. Huna b. Hyya in the name of Samuel: "The Halakha prevails according to Hananya."

Levi b. R. Huna b. Hyya and Rabba b. R. Huna once travelled together; arriving at an entrance, the former's ass ran ahead of the latter's. Rabba b. R. Huna became dejected (at the lack of respect shown him, supposing it to have been done intentionally). Thought Levi to himself: "I will pacify him

* See Exodus xx. 10 and Deut. v. 14, where it is prohibited to have cattle perform work on the Sabbath. The Mishna considers the carrying of burdens work and defines what gear constitutes a burden for cattle and what does not.

with the following question: Is it permitted to put a halter on an unmanageable ass like mine on the Sabbath?" Rejoined Rabba: "So said your father in the name of Samuel: 'The decision of Hananya prevails.'"

At the school of Menashyah it was taught: A goat with a bridle fastened to his horns is permitted to go about on Sabbath (but not if the bridle was simply tied to the horns, as it may slip off and a man may be forced to carry the bridle).

An objection was raised: "Were we not taught in a Mishna that it is not allowed to let a cow go about with a strap tied between her horns?"

Said R. Irmya b. Aba: On this point Rabh and Samuel differ; according to one it is prohibited at any rate, and according to the other, if for an ornament it is prohibited, but as a safeguard it is permitted. Said R. Joseph: "It seems that Samuel was the one who permitted it as a safeguard, as R. Huna said in his name the Halakha prevails according to Hananya." Said Abayi to R. Joseph: "On the contrary, it may be that Samuel is the one who forbids it at any rate, as R. Jehudah said above in his name: Rabbi was asked: How is it when the reverse is the case," etc. Does this not mean to exclude a nose-ring from a camel? But why should you prefer this latter saying to the former one? Because it was taught: "R. Hyya b. Ashi said in the name of Rabh that it is forbidden at any rate; and R. Hyya b. Abhin in the name of Samuel said: It is permitted as a safeguard."

An objection was raised from the following: If the owner tied the (red) heifer with a halter, she may nevertheless be used. Should you assume that this (halter) is a burden (how could she be used)? (Do not) the Scriptures say [Numbers, xix. 2]: "Upon which there was no yoke"? Answered Abayi: "(It is to be understood) when the owner leads her from one town to another, (the halter is a necessary safeguard, hence no burden)." Rabh said: "There is quite a difference in the case of the red heifer," as she is very valuable (and must be guarded). Rabhina said: "She must have a halter on account of her stubbornness."

"*The horse with a collar.*" What is meant by "go about" or led? R. Huna said: "It makes no difference whether the strap hangs loose on the animal's neck or is used as a rein; but Samuel said they may go about if led (by the strap) but not (with the strap) hanging loose.

A Boraitha teaches: "They may go about with the halter tied round their necks in order that they may be led whenever necessary." Said R. Joseph: "I have seen the calves of R. Huna going out on a Sabbath with their halters round their necks." R. Samuel b. Jehudah, when coming from Palestine, said in the name of R. Hanina that Rabbi's mules also went out on a Sabbath with their halters tied around their necks.

"*And are sprinkled*," etc. Is this to say that they are subject to defilement? Does not a Mishna state [Kelim, XII. 8] that only rings worn by human beings are subject to defilement, but harness and all other rings are not? Said R. Itz'hak of Naph'ha*: The collar-ring having at one time been used by men for personal purposes and become defiled, still retains its defiled character; R. Joseph, however, maintains it is not necessary to claim this. The fact that the collar-ring is used by man for the purpose of guiding the animal lays it open to becoming defiled, as we have learned in the Boraitha which taught us: A metal whip is subject to defilement, for the reason that man uses it to manage the animal with.

"*And submerged without removing it from its place.*" Would this not constitute a case of "Chatzitzah" (intervention).† Said R. Ami: "(Intervention of the bridle between the neck and the water) is avoided by loosening the bridle." A Boraitha teaches: "Intervention is avoided by the size of the bridle."

MISHNA *II.*: The ass may go out with a rug fastened around him; rams may go out with leather bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve the fine wool); she-goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehudah says: She-goats may go out with their udders tied up to stop the lactation, but not to save the milk.

GEMARA: Said Samuel: The Mishna means: "Only when the (rug) is fastened on Sabbath eve." Said R. Na'hman: It seems to be so from the following Mishna: "An ass may not

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* Naph'ha is Aramaic for "smith." According to the opinion of Dr. I. M. Wise, the reviser of this Tract in the first edition, Naph'ha refers to the city whence R. Itz'hak came. This was criticised, but we found the same was said by Frankel and many others.

† When any article of apparel, worn by a person or animal while bathing, intervenes between the body and the water, *i.e.*, bars the admission of the water to the body, it constitutes a case of "Chatzitzah."

go out with a rug unless fastened." How should this be understood? Shall we say that (the rug) is not fastened at all? Then it would be self-evident, lest it fall off and will have to be carried by a man. We must, therefore, assume that the Mishna's meaning of "not fastened" signifies "not fastened before the Sabbath." Hence Samuel's opinion has a good reason.

And it is also supported in the following Boraitha: "The ass may go out with a rug fastened before the Sabbath, but not with a saddle, even though fastened before." R. Simeon b. Gamaliel says: "Even with a saddle, if fastened before the Sabbath, provided, however, no stirrups are attached to the saddle and a crupper under the tail."

R. Assi b. Nathan questioned R. Hyya b. R. Ashi: Is it permitted to put a rug on an ass on the Sabbath?" "It is," was the answer. And to the question: "What is the difference (in the Law) between these two?" He was silent. (Misinterpreting the silence,) R. Assi objected: "A Boraitha teaches: It is not allowed to remove the saddle from the ass directly, but one may move it to and fro until it falls off; if you say it is forbidden to handle the saddle, is there any question as to putting it on?" Said R. Zera to him: "Leave him alone! He is of the opinion of his teacher (Rabh), in whose name R. Hyya b. R. Ashi related that he (Rabh) permitted putting a feed-bag on an animal on Sabbath." A feed-bag, which is nothing but an accommodation, is permitted; so much the more a rug, which is a relief! Samuel, however, permitted a rug, but prohibited a feed-bag. R. Hyya b. Joseph reported the opinion of Rabh to Samuel, whereupon the latter said: "If so said Abba, he knows nothing of the laws of Sabbath."

When R. Zera came (to Palestine), he heard R. Benjamin b. Japheth stating in the name of R. Johanan that it is permitted to put on a rug. He thanked him for it and, continuing, remarked: "Thus has the Arioch (King of Laws) in Babylon decided." Who is meant by the title (Arioch)? Samuel.

From the foregoing it is evident that all agree that it is permitted to cover an ass with a rug on Sabbath. But what is the point in which a saddle differs from the rug? It differs therein that a saddle may drop off (and involve the necessity of handling). R. Papa gave another reason: "To cover an ass with a rug is an act of relief, for it is said that an ass feels cold even in summer, but to remove a saddle from an ass's back in order to cool off the ass is not necessarily an act of relief."

An objection was raised. We have learned: "The horse shall not go out with a fox-tail (for a pompon) and calves with the feed-bags on public ground." Shall we not assume that (in the case of the calves) they may not go out on public ground, but they may on private ground, and it refers even to large calves (whose necks are long enough to reach the ground with their mouths easily); thus feed-bags are merely an accommodation? Nay; the permission to carry feed-bags applies only to small calves (whose necks are short and legs long, and to which reaching down to the ground with their mouths would entail a hardship) and must be considered as a necessary relief.

The master said: "She-goats must not go out with a bag attached to their udders." Is there not a Boraitha which teaches that they *may?* Said R. Jehudah: "This presents no difficulty. In the former case the bag is *not* tied fast, in the latter it *is* (and there is no reason for apprehension lest it drop off and will have to be carried)." Said R. Joseph: "Why, you have entirely done away with the teachers of our Mishna. There *is* a difference of opinion between the teachers in this very Mishna: 'She-goats may go out with a bag tied to their udders.'" R. Jossi forbids all except sheep with covers on to protect the wool. R. Jehudah says: "She-goats may go out with their udders tied up for the purpose of preventing lactation, but not for the purpose of saving the milk."

We have learned in a Boraitha: R. Jehudah related the case of she-goats which he saw in Antioch. Their udders were so large that bags had to be made for them in order to prevent their dragging on the ground and becoming mutilated. (These bags were worn also on the Sabbath.)

The rabbis taught: "It happened with one man whose wife died and left him a nursing child, he was so poor that he could not pay a wet-nurse. A miracle happened to him; his breasts opened and he nursed his child." Said R. Joseph: Come and see how great the man must have been that such a miracle was wrought for him. Said Abayi to him: On the contrary, Behold how bad the man must have been that the nature of mankind changed in him and nothing occurred to enable him to earn enough money to pay a nurse. Says R. Jehudah: Come and see how hard it is for heaven to change the fate of a man concerning his livelihood, that the nature of the world was changed, but not his fate. Said R. Na'hman: It is proven by this fact that

a miracle occurred, but he was not provided with means for paying a wet-nurse.

The rabbis taught "It happened once that a man wedded a woman with a mutilated hand, and did not discover it until she died." Said Rabh: "Behold how chaste this woman must have been, for even her husband did not discover it." R. Hyya retorted: "This is nothing! It is natural with women to hide their defects, but note the modesty of the man, who did not discover it in his wife."

"Rams may go out with (leather) bands around their privates." What kind of bands? Said R. Huna: "Hobbles." Ulla said they were leather bands tied around their breasts to prevent them from the attack of wolves. Do wolves attack only the males and never the females? It is because the males always go ahead of the flocks. Do wolves attack only the advance of a flock and never the rear? It is because the males are usually fat. Are there no fat sheep among the females? Moreover, how can the wolves know which is which? It is because the males generally lift their heads and look around cautiously. R. Na'hman b. Itz'hak said they wore leather bands tied around their privates to prevent them from having coition with the females. Whence this inference? From the last clause of the Mishna, "The sheep may go out with their tails tied up," in order that the males may have coition with them; hence we infer that the first clause is for the purpose of preventing them.

"She-goats may go out with a bag tied around their udders." It was taught: Rabh said that the Halakha prevails in accordance with R. Jehudah; and Samuel held it to be in accordance with R. Jossi. Others taught: Rabh and Samuel did not directly cite the opinions of the Tanaim just mentioned, but they themselves decreed as follows: Rabh held that she-goats may go out with their udders tied up for the purpose of preventing lactation, but not to save the milk. Samuel, however, prohibited this in both cases. Others again say: R. Jehudah b. Bathyra long ago decided the same as Rabh, but added that on account of the impossibility of determining what purpose the tying up of the udders would serve, it is entirely prohibited. Thereupon Samuel decided that the Halakha prevails with him. Rabbin upon his arrival in Babylon said that R. Johanan said that the Halakha prevails in accordance with the first Tana.

MISHNA *III.*: And what must (animals) not go about in? The camel with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.

GEMARA: A Boraitha in addition to this Mishna states: "If the crupper is fastened to the hump as well as to the tail of the camel, it may go about." Rabba b. R. Huna says: A camel may go about with a pad under its tail (to prevent friction).

"*One is not to tie camels.*" What is the reason? Said R. Ashi: Because it looks like leading them to market.

"*But one is permitted to hold in his hand,*" etc. Said R. Ashi: This law was stated only concerning (Kilaim), and hence the teacher means to say, provided he does not tie or twist them. Samuel said: And provided the cords do not protrude from his hand as much as the length of a span. Was it not taught at the school of Samuel, two spans? Said Abayi: From the difference between Samuel himself and his school we infer that Samuel came to teach us how to practise. But did not a Boraitha state: Provided he lifts (the cords) from the ground one span (but there is no restriction as to the quantity protruding from his hands)? The non-restriction of the quantity of cord applies only to the amount of cord used for the distance between the animal and the man's hand. (In that case the quantity is unlimited. The quantity of cord, however, protruding from the man's hand must not exceed one span; so also the distance from the ground to the cords must be at least one span.)

MISHNA *IV.*: The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle-boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails; nor sheep with sneezing-wood; the calf with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar b. Azarya went out with a strap between the horns against the approval of the rabbis.

GEMARA: "*Neither with a bell that has been muffled.*" For it looks like bringing it to market.

"*Nor with a collar on his neck.*" Said R. Huna: With a collar underneath his jowls. What was the collar intended for? To prevent irritation of any wounds that may have been on the neck.

"*Nor with ankle-boots.*" To prevent injury from kicking one foot against the other.

"*The hens with cords.*" As a distinguishing mark.

"*Nor with straps on their feet.*" To prevent damage arising from jumping.

"*The rams with carts.*" To prevent the ends of their tails from damage through trailing on the ground.

"*Nor sheep with sneezing-wood.*" (What is it?) Said R. Huna: "In seaports there is to be found a kind of tree called 'Hanun, which produces sneezing-wood, which when held under a sheep's nose produces sneezing, and while sneezing such vermin as may have lodged in the sheep's head are expelled. If such be the case, may rams not go out with it either? For rams sneezing-wood is not used at all. They butt with their heads, therefore vermin drops out of its own accord.

"*Nor the cow with the skin of the hedgehog,*" etc. To prevent leeches from sticking to the udder.

"*Nor with the strap between the horns.*" Why not? Either in accordance with Rabh, who forbids it at any rate, or in accordance with Samuel, who forbids it as an ornament.

"*The cow of R. Elazar b. Azarya,*" etc. Had he only one cow? Did not Rabh, or R. Jehudah in the name of Rabh, say that R. Elazar b. Azarya gave yearly as tithes from his herds as many as twelve thousand calves? We have learned (in a Boraitha): The cow in question was not his, but a neighboring woman's. It is only ascribed to him because he did not protest against it.

Rabh, R. Hanina, R. Jonathan, and R. Habiba [in the whole Section of Festivals, where the four names stand together, R. Jonathan must be read instead of R. Johanan] all said: He who has the power to protest against wrong in his house and does not do so, is responsible for (the transgressions of) every one in his house. In the city (where his protest would be recognized), he is responsible for the transgressions of every one of the inhabitants of the city; and if he is such a great man that his word would be respected in the whole world, he is punished for (transgressions of all) mankind. Said R. Papa: "And the Exilarchs are punished for the sins of all Israel." As R. Hanina

said: It is written: "The Eternal will enter into judgment with the elders of his people and with the princes thereof" [Isaiah, iii. 14]. If the princes sinned, what have the elders to do with it? The intent is to say: Because the elders did not protest against the princes.

R. Jehudah sat before Samuel, when a woman came in complaining, and Samuel paid no attention to her. Said R. Jehudah to him: "Is Master unaware of the passage: Whosoever stops his ears at cry of the poor, he also shall cry himself and not be heard"? [Prov. xxi. 13]. Samuel retorted: "Ingenious scholar! Your head-master (meaning himself) is on safe ground, but our Chief is responsible," Mar Uqba, being at that time Chief of the Judges (it was his affair), for it is written [Jerem. xxi. 12]: "O House of David! Thus hath said the Lord: Exercise justice on (every) morning, and deliver him that is robbed out of the hand of the oppressor, lest my fury go forth like fire, and burn so that none can quench it, because of the evil of your doings."

Said R. Zera to R. Simon: "Let Master reprove the Exilarch's retainers." He answered: "They care not for me." Rejoined R. Zera: Even if they do not care, reprove them anyhow; for R. Aha b. Hanina said: The Holy One, blessed be He, never issued a benevolent decree, which He subsequently reversed into malevolence, except in this sole instance, which is written [Ezekiel, ix. 41]: "And the Lord said unto him, Pass through the midst of the city, through the midst of Jerusalem, and inscribe a mark upon the foreheads," etc. Thus said the Holy One, blessed be He, to Gabriel: "Go and set the mark (the Hebrew letter Ṭabh) in ink upon the foreheads of the righteous, that the angels of destruction have no power over them; and the same mark in blood upon the foreheads of the wicked, that the angels of destruction may have power over them." The Party of Prosecution pleaded before Him in these terms: "Lord of the Universe, what is the difference between the two?" He answered: "Those are perfectly righteous and these completely wicked." Again the Party of Prosecution pleaded: "Lord of the Universe! It was in their power to protest (against wickedness), and they did not." And the Lord answered: "It is known to me that, had they protested, their protest would have been of no avail." But they pleaded once more: "Lord of the Universe! It is known to Thee; but was it known to them?" And thus it is written: "Slay utterly

old and young, both maids, little children, and women, and at my sanctuary shall ye begin." Then they began with the old men who were before the house" [Ezek. ix. 6]. And R. Joseph taught: "Do not read 'my sanctuary,' but 'my sanctified,' which means the men who have performed all the laws prescribed in the Torah, which begins with all the letters of the alphabet. And it is also written [ibid., ibid. 2]: "And behold, six men came from the direction of the upper gate . . . . beside the copper altar." Was, then, the copper altar at that time? Was it not hidden already in the time of Solomon? It means that the Holy One, blessed be He, told them they shall begin from that place where they used to sing hymns before Him. And who are the six men (messengers)? Said R. Hisda: "Anger, wrath, rage, destruction, devastation, and ruin."

Why just the letter Tabh? Said R. Simeon b. Lakish: "The Tabh is the last letter on the seal of the Holy One, blessed be He; for R. Hanina said (the inscription on) the seal of the Holy One, blessed be He, is Emeth (truth) (and the last letter of the Hebrew word Emeth is a Tabh).

It being evident from the verse [Ezek. ix. 2] that Zechuth Aboth* no longer existed, at what time shall we assume that it ceased?

Said Rabh: From the time of the prophet Hosea b. Beëri, as it is written [Hosea, ii. 12]: "And no man will deliver her out of my hand," meaning that even the righteousness of the ancestors will be of no avail.

Samuel said: From the time of the King Chazael of Syria, as it is written [II Kings, xiii. 23]: "And the Lord became gracious unto them, and had mercy on them, and turned his regard unto them, because of his covenant with Abraham, Isaac, and Jacob, and would not destroy them, and he cast them not off from his presence until now." Thus, He will remember his covenant only "until now," but not after that.

R. Jehoshua b. Levi said: From the time of Elijah the prophet, as it is written [I Kings, xviii. 36: "Elijah the prophet came near and said, O Lord, God of Abraham, of Isaac, and of Israel, *this day* let it be known that thou art God in Israel,"

* Zechuth Aboth is a term implying the benefits bestowed upon men in consideration of the virtues and righteousness of their ancestors, and is based upon the passage in the Bible: "Keeping kindness unto the thousandth generation," etc. [Ex. xxxiv. 7]; and also upon the verse Ex. xxxii. 13.

etc., and means to infer that only "this day" the Lord will remember Zechuth Aboth, and not after this day.

R. Johanan says: From the time of Hezekiah the King, as it is written [Isaiah, ix. 6]: "To establish it and to support it through justice and righteousness, from henceforth and unto eternity: the zeal of the Lord of Hosts will do this," implying that after that the favors of the Lord will not be bestowed by virtue of Zechuth Aboth, *but through* His zeal.

R. Ami said: Death is the result of sin, and affliction the result of transgression: death the result of sin, for it is written [Ezekiel, xviii. 20]: "The soul that sins, it shall die," etc.; affliction the result of transgression: for it is written [Psalms, lxxxix. 33]: "And I will visit their transgressions with a lash and their iniquity with stripes."

An objection was raised: One of the teachers said: The angels (once) said to the Holy One, blessed be He: "Lord of the Universe! Why didst Thou punish Adam with death?" The Lord answered: "Because I gave him a light commandment, and he failed to observe it." The angels again said unto Him: "Why did Moses and Aaron die? Did they not observe all the laws of the Torah?" And He answered [Eccl. ix. 2]: "The same fate befalls the righteous as the wicked." Hence death is not the result of sin! He (R. Ami) is in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: Even the death of Moses and Aaron was the result of their sins, for it is written [Numb. xx. 12]: "Because you had no faith in me"; (and the inference thereof is) if they had had faith, they would not have died.

Another objection was raised: (There is a tradition:) Only four men died in consequence of original sign. They are Benjamin ben Jacob; Amram, the father of Moses; Jesse, the father of David; and Kilab ben David. Whose opinion does this Boraitha agree with? The Tana who related the legend of the angels holds that Moses and Aaron also died in consequence of original sin. So must be then in accordance with R. Simeon b. Elazar, as said above. Thus we see that although Moses and Aaron died on account of their own sins, still death without sin and affliction without transgression are possible; hence R. Ami's theory is objected to.

R. Samuel b. Nahmeni in the name of R. Jonathan said: "Whoever says that Reuben (the patriarch Jacob's son) sinned with his father's wife is in error, because it is written [Gen.

xxxv. 22]: "Now the sons of Jacob were twelve." This proves to us that they were all equal (in righteousness); but what does the verse [ibid., ibid.] which states that he *did* lie with Bilha, etc., signify? That Reuben deranged his father's bed, and the Scripture considers this equal to his having sinned with her. There is another Boraitha: Simeon b. Elazar said: That righteous man (Reuben) is innocent of the crime. The act with his father's wife was never consummated; as, is it possible that a man whose descendants will stand on the Mount Ebol and proclaim: "Cursed be he who lies with his father's wife" [Deut. xxvii. 20], would commit such a crime? But what does the above-cited verse mean? He (Reuben) resented the injustice done his mother and said: "When my mother's sister lived and proved a vexation to my mother, it was bearable; but to have my mother's servant prove a vexation to her, this is unbearable!" Therefore he removed the bed of Bilha from his father's bedroom (which the verse holds tantamount to lying with her). R. Samuel b. Nahmeni in the name of R. Jonathan said: He who maintains that the sons of Eli have sinned is nothing but in error, as it is written [I Samuel, i. 3]: ". . . two sons . . . priests of the Lord." (And if they would have sinned, the verse would not elevate them with such an honor.) [He holds with Rabh's theory farther on; however, he differs from him concerning 'Haphni, for the reason that he is mentioned together with Pinhas in the verse cited.]

Rabh said: Pinhas did not sin, as it is written: "And Ahiya, the son of Ahitub, Ichabad's brother, the son of Pinhas, son of Eli, was priest of the Lord at Shilah" [I Samuel, xiv. 3]. Is it possible that the Scriptures would describe minutely the pedigree of a sinner? Is it not written: "The Lord will cut off, unto the man that doeth this, son and grandson," etc. [Mal. ii. 12]. That was explained to mean, if he be simply an Israelite he shall have here no master among the teachers and no scholar among disciples, and if he is a descendant of priests, he shall have no son who may bring the offering. From this we must conclude that Pinhas is innocent of guilt. Is it not written, however, "sons of Belial" (and thus Pinhas is included)? It was because he should have protested against it, and did not, the Scripture considers it as if he had also sinned.

The same said again: He who thinks the sons of Samuel sinned, is also in error. It is written: "And they did not walk in his ways" [I Sam. viii. 3]. True, they did not walk in His

ways, but they sinned not. How, then, is the passage to be upheld: "And they but turned aside after lucre and took bribes"? [ibid., ibid.]. They did not act as their father; for Samuel the righteous travelled through all Israel and dispensed justice in every city, as it is written: "And he went from year to year in circuit to Beth-El and Gilgal and Mizpah, and judged Israel" [ibid. vii. 6]; but they did not act in this way. They dwelt in their respective places in order to increase the fees of their messengers and scribes.

On this point the following Tanaim differ. R. Meir says: They (who were Levites themselves) claimed their priestly allowance personally (and thereby deprived the poor priests and Levites of their shares, for being also judges they were never refused). R. Jehudah says: They had commercial relations with private people (and were sometimes compelled to pervert justice). R. Aqiba says: They took tithes (to a greater extent than they were allowed to do) by force. R. Jossi says: They took by force the (priests') portions (shoulder-blades, jowls, and stomachs of a slaughtered animal).

He said again: "The same error is made concerning David." Said Rabh: Rabbi, who is a descendant of the house of David, endeavored to interpret favorably the passage: "Wherefore hast thou despised the word of the Lord *to do* what is evil in his eyes?" [II Samuel, xii. 9]. He said: This evil deed is different (in words and language from other evil deeds whereof mention is made in the Scriptures). In all other instances it says, "and *he has* done," but here it says, "*to do.*" This implies that he "wanted to do" (but did not do). "Uriah the Hittite thou hast slain with the sword" [ibid., ibid.]. (As a rebel) he should have had him *tried* by the Sanhedrin, which he did not. "And his wife thou hast taken to thee for a wife." He had a right to her, for R. Samuel b. Nahmeni in the name of R. Jonathan said: Whoever went to war with David divorced his wife previously. "Him thou hast slain with the sword (used) for the children of Amon." As he will not be punished on account of the children of Amon, so will he also not be punished for the death of Uriah. What is the reason? He (Uriah) was a rebel.

Said Rabh: "Note well the life of David, and you find nothing blamable save the affair of Uriah, as it is written [I Kings, xv. 5]: "Save only in the matter of Uriah the Hittite."

Abayi the elder has contradicted the above statement of

Rabh from his own statement elsewhere that David accepted slander? This difficulty remains. What was it? That which is written [II Samuel, ix. 4]: "And the king said unto him, Where is he? And Ziba said unto the king, Behold, he is in the house of Machir, the son of 'Ammiël, in (*b'*) Lo-debar"; farther on it is written [ibid. 5]: "And David the king sent, and had him taken out of the house of Machir, the son of 'Ammiël, from (*m'*) Lo-debar."* Thus, when David found him "doing something (good)," whereas Ziba informed the King that he was "doing nothing (good)," hence David was convinced that Ziba was a liar; why, then, did David give heed to his slander afterwards, for it is written [ibid. xvi. 3]: "And the king said, And where is thy master's son? And Ziba said unto the king, Behold, he remaineth at Jerusalem; for he said, To-day will the house of Israel restore unto me the kingdom of my father." But whence the adduction that David accepted slander? From what is written further [ibid. 4]: "Then said the king to Ziba, Behold, thine shall be all that pertaineth to Mephibosheth. And Ziba said," etc.

Samuel said: David did not accept slander. He (himself) saw in Mephibosheth's conduct that which corroborated Ziba's calumny, as it is written [ibid. xix. 25]: "And Mephibosheth the (grand-)son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his beard, nor washed his clothes." (This was considered disrespect); further, it is written [ibid. 28]: "And he slandered thy servant unto my lord the king," etc.; and further [ibid. 31]: "And Mephibosheth said unto the king, Yea, let him take the whole, since that my lord the king is come (back) in peace unto his own house." Now, this last verse (read between the lines) really means: "I have anticipated your safe arrival home with anxiety, and since you act toward me in such a manner, I have nothing to complain of to you but to Him who brought you safely back."

R. Jehudah in the name of Rabh said: "Had David not given heed to slander, the kingdom of the house of David would never have been divided, neither would Israel have worshipped idols, nor would we have been exiled from our land."

The same rabbi said: He who believes Solomon guilty of

* The literal translation of the Hebrew word Blo-debar is: he does nothing (good); of Mlo-debar: he is very busy (doing something good). Upon the difference in the two literal meanings of the two words Rabh bases the untruth of Ziba's statement.

idolatry is in error. This theory agrees with R. Nathan, who points to a contradiction between the two following passages in the very same verse [I Kings, xi. 4]: "And it came to pass, at the time when Solomon was old, that his wives turned away his heart," etc.; and farther on [ibid., ibid.] it says: "Like the heart of David his father." While his heart was not as perfect as that of his father David, still he did not sin. Therefore it must be said that it means, his wives turned away his heart toward idolatry, but still he did not practise it. This is supported by the following Boraitha: R. Jossi said: It is written [II Kings, iii. 13]: "And the high places that were before Jerusalem, which were to the right of the mount of destruction, which Solomon the King of Israel had built for Ashthoreth, the abomination of the Zidonians," etc. Is it possible that neither Assa nor Jehosophath had cleared them out before Josiah? Did not Assa and Jehosophath abolish idolatry in Judea? It follows, then, that as Josiah is given credit by the verse in the Scripture for having abolished the worship of Ashthoreth, the abomination of the Zidonians, although at his time it had been out of existence for a long time, this was done merely because he (Josiah) had abolished other later forms of idolatry; the same rule is followed in the case of Solomon; while he himself did not build the Ashthoreth of the Zidonians, the fact that he did not prevent his wives from doing so makes him responsible in the same measure as if he had committed the deed himself. But is it not written [I Kings, xi. 6]: "And Solomon did what is evil in the eyes of the Lord"? This is also written merely because it was in his power to prevent the actions of his wives, and he did not do so; hence the Scripture ascribes the deed to him, as if he himself had committed it.

Said R. Jehudah in the name of Samuel: It would have been better for him (Solomon) to have been an actual hireling to idolatry than to be accused of doing what is evil in the eyes of the Lord.

Again R. Jehudah said in Samuel's name: At the time Solomon took in wedlock the daughter of Pharaoh, she brought to him about a thousand different musical instruments. Each of these was used for separate idols, which she named to him, and still he did not protest against it.

The same said again in the name of the same authority: At the time Solomon took in wedlock Pharaoh's daughter (the angel) Gabriel came down and planted a cane in the sea; on the

sand that accumulated around the cane a great city was afterward built; but in a Boraitha we were taught that the miracle occurred on the day that Jeroboam introduced the two golden calves, one each in Beth-El and Dan, and that great city was Italia of Greece.*

R. Samuel said: Whoever says Josiah sinned is also in error. It is written [II Kings, xxii. 2]: "And he did what was right in the eyes of the Lord and walked in the ways of David his father and turned not aside to the right or to the left." Is this not contradictory to the verse [II Kings, xxiii. 25], "that returned to the Lord with all his heart." How is the "returned" to be understood? He must have sinned in order to return? Nay; from this it must be inferred that after Josiah attained the age of eighteen, he refunded from his private purse all amounts paid by such as he had declared guilty (bound to pay) from the time he was eight years old (when he became king). This is the interpretation of "returned to the Lord."

However, this differs from Rabh's following statement: "None is greater among penitents than Josiah in his time and one in our own time. And who is *he?* Aba, the father of Jeremiah b. Aba. Others say Aha, the brother of Aba, father of Jeremiah b. Aba, for the aforesaid teacher said Aba and Aha were brothers. Said R. Joseph: There is yet another in our own time, and he is Ukban b. Ne'hemiah, the Exilarch.† "Once while studying," said R. Joseph, "I dozed off and saw in a dream an angel stretching out his hands and accepting his (Ukban's) repentance."

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* Rashi added to this that the Romans took away this city from the Greeks, and therefore the Roman kingdom is called Italy; we, however, deem it an error, as we have found that such a city is in Greece.

† The text states: "And that is Nathan of Zuzitha"; and Rashi tried to explain the word Zuzitha "with sparks," or because the angel took him by the Zizith (locks) of his head. We have omitted this because it is proved by Abraham Krochmal in his "Remarks to the Talmud," article "The Chain of the Exilarch," that Ne'hemiah the Exilarch and Nathan the Exilarch were of two different times, many generations apart. (See there.)

CHAPTER VI.

REGULATIONS CONCERNING WHAT GARMENTS (SERVING AS ORNAMENTS) WOMEN MAY GO OUT WITH ON THE SABBATH.

MISHNA *I.*: In what (ornamental) apparel may a woman go out, and in what may she not go out? A woman is not allowed to go out (even in private ground) either with woollen or linen bands or with straps on her head to keep her hair in tresses (as a precaution lest she enter public ground and take off the bands to show to her friends, thereby becoming guilty of carrying movable property for a distance of four ells or more). Nor is she to bathe herself with the bands on unless loosened. Nor is she to go out with either Totaphoth or Sarbitin on, unless they are fastened;* nor with a hood in public ground, nor with gold ornaments, nor with nose-rings, nor with finger-rings that have no seal, nor with pins. But if she did go out with these things, she is not bound to bring a sin-offering (as they are ornaments and not burdens).

GEMARA: "*Bathing.*" Where is bathing referred to (and what has it to do with the Sabbath)? Said R. Na'hman b. Itz'hak in the name of Rabba b. Abuhu: The Mishna means to say: What is the reason that a woman is not allowed to go out with either woollen or linen bands? Because the sages have decided that she is not to bathe herself with them on, even on week days, unless loosened; therefore she shall not (go out with them on) on the Sabbath at all, lest it happen that she become in duty bound to bathe herself,† and, while untying her hair, be forced to carry the bands in public ground for a distance of four ells or more.

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* In the Mishna the Hebrew word for "fastened" is "Tephurim," literally meaning "sewed" or "embroidered"; *i.e.*, the Totaphoth and Sarbitin as worn by the wealthy were ornaments made of gold or silver with inscriptions engraved on them, but the poor made them of various colored materials (as explained in the Gemara farther on) and embroidered the inscriptions on them. The prohibition of the Mishna therefore refers only to the wearing of such ornaments before the inscriptions were either engraved or embroidered on them. Such is our explanation in our "History of Amulets," pp. 11–15.

† After menstruation. See Leviticus, xv.

R. Kahana questioned Rabh: "What about a hair-net?" Answered Rabh: "You mean to say a woven one? Everything woven has not been restricted." This was also taught in the name of R. Huna b. R. Joshua. According to others the same said: "I have seen that my sisters were not particular to take it off while bathing." And the difference between the two versions is when it was dirty; according to the first version, it does not matter, as everything woven was not restricted; and the second version, where particularity is the case, if they were dirty, they would certainly be particular to take them off.

An objection was raised from Mishna [Miqvaoth, IX. 8]: "When a person bathes, the following objects cause 'intervention' (Chatzitzah): Woollen and linen bands and headstraps (used by maidens)." R. Jehudah says woollen and hair bands do not cause "intervention," because water soaks through them. (Now we see that although woollen and linen bands are woven, yet they *are* an intervention.) Said R. Huna: "All this concerns only maidens." (And they are an intervention only because they are particular about it.)

R. Joseph in the name of R. Jehudah said that Samuel said that the Halakha prevails according to R. Jehudah in the case of hair bands only. Said Abayi: From the expression "the Halakha prevails" we must infer that there is a controversy between R. Jehudah and the Tana of the above Boraitha. (The Tana said nothing about hair bands.) Shall we assume that because R. Jehudah declares hair bands not to be objects of "intervention," he must have heard the previous Tana mention them? Even if such be the case, it is not probable that R. Jehudah heard that the Tana agrees with him on that point, and hence he says: "If he agrees with me on this point, why not in the other instances also?" Said R. Na'hman in the name of Samuel: Read, The sages agree with R. Jehudah with respect to hair bands.

This is supported by a Boraitha. Woollen bands cause intervention, but hair bands do not. R. Jehudah, however, said: "Neither of them causes intervention."

Said R. Na'hman b. Itz'hak: It seems to be so from the expression of our Mishna: "A woman may go out with hair bands, be they her own or her friends'." Whose opinion does this Mishna represent? Can we say R. Jehudah's? He permits even woollen bands. We must say it is in accordance with the above rabbis; hence they do not differ as regards hair bands.

"*Nor with Totaphoth.*" What are "Totaphoth"? Said R. Joseph: "A balm bandage for sanitary use (*Humrate diqetiphta*)."*

Said Abayi to him: "Then let it be permitted as an amulet made by a reliable expert." (During Abayi's time this difficulty was not solved.) R. Jehudah, however, in the name of Abayi said:† "It is an Absayim" (a gold ornament). This is supported in the following Boraitha: "A woman may go out with a gilded hair-net, and Totaphoth or Sarbitin when fastened to the hair-net." What are Totaphoth and what Sarbitin? Said R. Abuhu: "The former are bands that reach from ear to ear, and the latter bands that reach from temple to temple." R. Huna said: "The poor make them of all kinds of colored material, and the rich make them of gold or silver."

"*Nor with a hood.*" Said R. Yanai: "I cannot understand what kind of a hood the Mishna means; is it a slave's hood that it prohibits and permits a woollen hood, or does it prohibit woollen hoods and so much more slaves' hoods? Said R. Abuhu: It seems that a woollen hood is meant. And so we have learned plainly in the following Boraitha: "A woman may go out with a hood and head ornament in her yard." R. Simeon b. Elazar says: With a hood even in a public ground. "It is a rule," said he, "that anything below the 'Shebha'ha' (hair-net) is permitted to be worn, but anything above it is not. Samuel, however, said the Mishna alludes to the slave's hood.

Did, indeed, Samuel say so? Did he not say the slave may go out with the mark (he wears) around his neck, but not with the mark on his clothes? This presents no difficulty. The former applies to the mark made for him by his master (in which case there is no fear of the slave removing and carrying it), while the latter applies to the mark made by himself. What meaning do you attach to Samuel's statement? If he permits the wearing of the mark on the slave's neck because the master made it and the slave will fear to remove it, could not the master also make the mark on the slave's clothes? Yea, but the slave might lose the mark, and for fear of his master he will fold up his coat and carry it on his shoulders (in public ground). And according to R. Itz'hak b. Joseph it is prohibited. This is also

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* For the explanation of *Humrate diqetiphta* see our "History of Amulets," p. 14.

† This R. Jehudah is probaby R. Jehudah of Diphta, for the R. Jehudah generally cited died on the day of Abayi's birth. See our "History of Amulets," etc.

supported by a Boraitha, which teaches us distinctly that the slave may go out with the mark on his neck, but not on his clothes. In like manner Samuel once said to R. Hanina b. Shila: "None of the rabbis that call on the Exilarch should go out with their insignia on their clothes (on the Sabath) save you. He would not be angry with you were you to go to him without them (hence, not being a necessary burden, you may wear them or not, as you choose)."

The master said: "Not with a bell," etc. Why not? Lest it break off and one may carry it. Then why should the same not be feared in regard to a bell attached to his clothes? Here a bell is treated of that was made by an expert and was woven right in with the cloth. This is also in accord with what R. Huna b. R. Joshua said: "Everything that is woven they did not restrict."

"*Nor with a golden ornament.*" What was this golden ornament? Said Rabba b. b. Hana in the name of R. Johanan: "A golden (ornament with an engraving of the city of) Jerusalem on it," such as R. Aqiba made for his wife.

The rabbis taught: A woman shall not go out wearing a golden ornament; but if she did so, she becomes liable to bring a sin-offering. So is the decree of R. Meir, but the sages say: She must not go out wearing it; if she did, however, she is not culpable. But R. Eliezer said: A woman may go out wearing a golden ornament to commence with. Wherein do they differ? R. Meir holds it to be a burden, and the rabbis hold it to be an ornament; then why should she not wear it to commence with? Lest she take it off to show it to her friends and thus happen to carry it; but R. Eliezer reasons differently. Who generally go out with such valuable golden ornaments? Prominent women; and prominent women will not remove them for the purpose of exhibiting them to friends.

Rabh prohibits the wearing of a crown-shaped ornament, and Samuel permits it. Both agree that the wearing of a crown-shaped ornament is permissible, as there is no fear that the woman will remove it; where they do differ, however, is as to a golden and jewelled ornament. The former holds that there is fear of her removing it in order to exhibit it, and thus probably happen to carry it, while the latter contends that as only prominent women wear such costly ornaments no fear need be entertained on that score.

Said R. Samuel b. b. Hana to R. Joseph: You distinctly

told us in the name of Rabh that an ornament in the shape of a crown may be worn.*

Levi† lectured in Neherdai that a crown-shaped ornament may be worn; whereupon twenty-four women in Neherdai went out with crown-shaped ornaments on.

Rabba b. Abuhu lectured the same in Mehutza, and eighteen women went out of one alley wearing those ornaments.

R. Jehudah in the name of Samuel said: "A belt may be worn." Some one said a leather belt (even if jewelled). Said R. Saphra: "Why! Even a golden belt jewelled, for is it not equal to a golden garment?" Said Rabhina to R. Ashi: "How is it with a belt worn over a sash?" Answered R. Ashi: "By this you mean two belts" (and this is prohibited). R. Ashi, however, said: "A sash may be worn only when it is securely fastened, but not otherwise."

"*Nor with a nose-ring.*" What is a nose-ring? It is a nose-band.

"*Nor with finger-rings,*" etc.; but if the ring have a seal it is prohibited, as it is not an ornament. Is this not contradicted from Kelim, XI. 8? The following ornaments of women are subject to defilement: Chains, nose-rings, rings, finger-rings either with or without a seal, and nose-bands. Said R. Na'hman b. Itz'hak: "You quote a contradiction in the laws of defilement as against the laws of Sabbath. As for defilement, the Torah requires an utensil [Numbers, xxxi. 20], and such it is; but as for Sabbath, it refers to a burden; hence a ring without a seal is an ornament, with a seal it is a burden (for women)."

"*Nor with a pin.*" For what purpose can a pin be used? R. Ada from Narsha explained it before R. Joseph: Women part their hair with it. Of what use is it on Sabbath? Said Rabha: On week days they wear a golden plate on their heads; the pin is used for parting the hair and holding down the plate; but on Sabbath the pin is put against the forehead.

MISHNA *II.*: One is not to go out with iron-riveted sandals, nor with one (iron-riveted shoe) unless he has a sore on his foot, nor with phylacteries, nor yet with an amulet unless made by a reliable expert, nor with a shield, helmet, or armor for the

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* R. Joseph passed through a severe illness and at times forgot his own teachings; hence it sometimes occurred that he was reminded of them by his disciples.

† Here is omitted the legend about Levi, as the proper place for it is in Kethuboth, 103*b*, and it will be translated there.

legs; but if he has gone out (with either of these) he is not liable for a sin-offering.

GEMARA: "*Iron-riveted sandal.*" What is the reason of its being prohibited? Said Samuel: "It happened toward the close of the persecutions (of the Jews) that a party of men hid themselves in a cave with the understanding that after once entering no one was to go out. Suddenly they heard a voice on the outside of the cave, and thinking the enemies were upon them, they began crowding each other into the farthest recesses of the cave. During the panic that ensued more men were trampled to death by the iron-riveted sandals worn by the party than the enemies would have killed. At that time it was enacted that a man must not go out (on Sabbath) with iron-riveted sandals." If this be the reason, let it also be prohibited on week days? Because it occurred on a Sabbath! Then let it be allowed on a festival; why then is it stated that on a festival *it* must not be sent (Betzah, 26, Mishna)? And furthermore, why is it forbidden on Sabbath? Because the people usually assemble on that day; and the same is the case with a festival. But do they not assemble on a congregational fast—why then should it not be prohibited also then? When the above-mentioned happened it was a prohibited assembly, but all these assemblies are permitted. And even according to R. Hanina b. Aqiba, who said concerning defilement that this prohibition is only in the Jordan in a boat, as the case happened, it is because the Jordan is different in width and depth from other rivers; but Sabbath and a festival are alike as regards labor.

Said R. Jehudah in the name of Samuel: This (the prohibition of the sandals in question) is only with regard to such as are riveted for the sake of durability, but not with regard to such as are riveted for the sake of decoration. How many (rivets are considered to be for the latter purpose)? R. Johanan said five in each. R. Hanina said seven in each. Said R. Johanan to R. Samon b. Aba: "I will explain to you the difference between my opinion and that of R. Hanina. I mean two rivets on each side of the sandal and one in the centre, while he means three on each side and one in the centre. The Gemara declared that R. Hanina is in accordance with R. Nathan, who permits seven; and R. Johanan is in accordance with R. Nohorai, who permits only five. And Aipha said to Rabba b. b. Hana: "Ye who are the disciples of R. Johanan may act according to him; we, however, are acting in accordance with R.

Hanina." R. Huna questioned R. Ashi: "How is the law if there were five?" And he said: "Even seven is permitted." "And how is it if there were nine?" And he rejoined: "Even eight is prohibited. A certain shoemaker asked of R. Ami: "How is it if the sandal is sewed from the inside?" He answered: "I have heard that it is permitted, but I can give you no reason." Said R. Ashi: "Does master not know the reason? Being sewed from the inside, it is no longer a sandal but a shoe; and the rabbis' precaution was against the riveted sandal, but not in regard to shoes."

There is a Boraitha: One must not go out with an iron-riveted sandal and shall not walk in them from one room to another, not even from one bed to another (in the same room); but it may be handled to cover vessels with or to support one of the bed-stands with. R. Elazar b. Simeon prohibits even this, unless the majority of rivets fell out and but four or five remain. Rabbi limits the permission to seven (rivets). If the soles are made of leather and the uppers are riveted, it is permitted. If the rivets are made like hooks, or are flat-headed, or pointed, or pierce through the sandal to protect the sole, it is permitted.

R. Massna, others say R. Ahadboy b. Massna in the name of R. Massna, said: "The Halakha does not prevail in accordance with Elazar b. Simeon." Is this not self-evident? When one individual opinion conflicts with a majority, the opinion of the majority prevails. Lest one suppose that, because R. Elazar b. Simeon gave a reason for his statement, should it be accepted, he comes to teach us that it is not so.

Said R. Hyya: "Were I not called a Babylonian, who permits what is prohibited, I would permit considerably more. How *many?* In Pumbeditha they say twenty-four, and in Sura they say twenty-two." Said R. Na'hman b. Itz'hak: "It seems by your remark that on the road from Pumbeditha to Sura you lost two."

"*Nor with one*," etc. But if his foot is sore he may go out. On which foot may he wear the shoe? On the foot that is sore (for protection).

The rabbis taught: When one puts on his shoes he should commence with the right shoe; when he takes them off he should commence with the left. When one bathes he should wash the right side first; when he anoints himself he should anoint the right side first, and whoever anoints the whole body

should commence with the head, for the head is the king of all the members (of the body).

"*Nor with phylacteries;*" but if he went out with them on, he is not liable for a sin-offering. Said R. Saphra: This is not only in accordance with him who holds Sabbath is a day for (wearing) phylacteries, but it is even in accordance with him who holds that it is not. What is the reason? Because phylacteries are put on in the same manner as a garment.

"*And not with an amulet,*" etc. Said R. Papa: "Do not presume that both the maker and the amulet must be reliable; it is sufficient if the maker only is reliable." So it seems to be from the statement in the Mishna: "And not with an amulet that was not made by a reliable expert." It does not say with a reliable amulet.

The rabbis taught: Which are to be considered such? If they have cured three times, no matter whether they contained inscriptions (of mystic forms) or (certain) medicaments. If the amulet is for a sickness, be it serious or not, or if it is for one afflicted with epilepsy, or only serves as a preventive, one may fasten or unfasten it even in public ground, provided he does not fasten the amulet to a bracelet or a finger-ring, to go out with it in public ground, lest those who see it think that it is being worn as an ornament. Did not a Boraitha state that only such amulets as cured three different parties are reliable? This presents no difficulty. Here we are taught as to the reliability of the expert who made the amulet, while in the latter Boraitha we are taught as to the reliability of the amulet itself.

Said R. Papa: It is certain to me that where three different amulets were given to three different (human) sufferers at three different times (and a cure was effected), both the amulets and the expert who made them are reliable. Where three different amulets were given to three different sufferers only once, the expert is reliable, but not the amulets. Where one and the same amulet was given to three different sufferers, the amulet is reliable, but not the expert; but how is it with three different amulets given to *one* man for three different diseases? Certainly, the amulets are not reliable (for each cured only once), but how is it with the expert? Should he be considered reliable or not? If we say that the expert cured him, perhaps it was only the fate of the sufferer that he should be cured by a script? This question remains.

The schoolmen propounded a question: Is there any sanc-

tity in an amulet or not? For what purpose are we to know this? In order to enter a privy; if there is any sanctity in the amulet this would not be allowed, otherwise it would.

Come and hear. We have learned in a Mishna: "Not with an amulet unless made by a reliable expert." From this we see that if made by a reliable expert one may go out with it. Now, if we say that there is sanctity in the amulet, how can we say that one may go out with it? Perhaps he shall be compelled to enter a privy, he will have to take it off, and thus be forced to carry it four ells or more in public ground.

MISHNA *III.*: A woman shall not go out with an ornamental needle (with a hole in), nor with a ring that has a seal, nor with a Kulear, nor with a Kabeleth, nor with a perfume bottle. And if she does, she is liable for a sin-offering. Such is the opinion of R. Meir. The sages, however, freed her in the case of the two latter.

GEMARA: Said Ulla: "With men it is (concerning a finger-ring) just the reverse." That is to say, Ulla is of the opinion that what is right for women is not right for men, and what is right for men is not right for women. Said R. Joseph: "Ulla is of the opinion that women form a class of their own." Rabha, however, says it often happens that a man gives his wife a ring with a seal on, to put away in a box, and she puts it on her finger until she comes to the box; again, it happens that a wife gives her husband a ring without a seal for the purpose of having him give it to a jeweller to repair, and until he comes to the jeweller he puts it on his finger. Thus it happens that a woman may wear a man's ring and a man a woman's (temporarily).

What is Kabeleth? Cachous (for purifying the breath). The rabbis taught: A woman must not go out with Kabeleth, and if she did so she is liable for a sin-offering. This is the opinion of R. Meir, but the sages say she should not go out with it, yet if she does she is not liable. R. Eliezer, however, says she may go out with it to commence with. Wherein do they differ? R. Meir holds that it is a burden, the sages that it is an ornament; and the reason that she should not go out with it is lest she take it off to show to her friends, and thus perchance carry it in her hand. R. Eliezer, however, permits it to be carried to commence with, because, said he, who generally carry such? Women whose breath emits a bad odor, and surely they will not take them off to show them, hence there is no apprehension that they will carry them four ells or more on public ground.

There is a Boraitha: "A woman must not go out with a key in her hand, nor with a box of cachous, nor with a perfume bottle; and if she goes out with them, she is liable for a sin-offering." So is the decree of R. Meir, but R. Eliezer freed her, provided the box *contains* cachous, and the bottle perfume; but if they are empty, she is liable (for then there is a burden). Said R. Ada b. Ahaba: "From this we may infer that one carrying less than the prescribed quantity of food in a vessel on public ground is culpable, as it states if there was no cachou or perfume, which is equal to a vessel containing less than the prescribed amount of food, she is liable. Hence it makes her liable even if less than the prescribed quantity. Said R. Ashi: Generally one may be freed, but here it is different; the box and the bottle themselves are considered a burden.

We read in the Scripture [Amos, vi. 6]: "And anoint themselves with the costliest of ointments." Said R. Jehudah in the name of Samuel: "This signifies perfumery."

R. Joseph objected: "R. Jehudah b. Baba said that after the destruction of the Temple at Jerusalem the sages prohibited even the use of perfumes, but the rabbis did not concur in the decree. If we say perfume used only for pleasure, why did not the rabbis concur?" Abayi answered: According to your mode of reasoning, even drinking wine from bowls (bocals) is prohibited, for it is written further [ibid., ibid.]: "Those that drink wine from bowls." R. Ami said, *that* certainly means bocals, but R. Assi claimed that it means they clinked glasses one with another. Still Rabba b. R. Huna once happened to be at the house of the Exilarch and drank wine out of a bocal, but was not rebuked. It is, therefore, thus to be understood: The rabbis restricted only such pleasures as were combined with rejoicing, but not pleasures unaccompanied with rejoicing.

Said R. Abuhu: Others say we were taught in a Boraitha: "Three things bring man to poverty: Urinating in front of one's bed when naked; carelessness in washing one's hands; and permitting one's wife to curse him in his presence." Said Rabha: "Urinating in front of one's bed should be understood to signify 'turning around so as to face the bed and then urinating,' but not turning in the opposite direction; and even when facing the bed it signifies only 'urinating on the *floor* in front of the bed and not in a urinal.'" Carelessness in washing one's hand signifies "not washing one's hands at all," but not insufficient washing, for R. Hisda said: "I washed my hands well

and plentifully and am plentifully rewarded." Permitting one's wife to curse him in his presence implies "for not bringing her jewelry," and *then* only when one is able to do so but does not.

Rahava said in the name of R. Jehudah: The trees of Jerusalem were cinnamon trees, and when used for fuel the odor extended over all the land of Israel; ever since the destruction of the second Temple the cinnamon trees disappeared; but a morsel as big as a barleycorn is still to be found in the treasury of the Kingdom of Zimzimai.

MISHNA *IV.*: One must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin-offering. R. Eliezer says they are ornaments to him, but the sages say they are nothing but a stigma, for it is written [Isaiah, ii. 4]: "They shall beat their swords into ploughshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn war any more." Knee-buckles are clean and one may go out with them on the Sabbath. Stride chains are subject to defilement, and one must not go out with them on the Sabbath.

GEMARA: "*R. Eliezer says they are ornaments.*" There is a Boraitha: The sages said unto R. Eliezer: If the weapons are ornaments to man, why will they cease to exist in the post-messianic period? He answered: "They will exist then also." This is in accordance with the opinion of Samuel, who said there will be no difference between the present time and the post-messianic period save the obedience to temporal potentates, for it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

Said Abayi, according to others R. Joseph, to R. Dimi or to R. Ivia, and according to still others, Abayi said directly to R. Joseph: What is the reason of R. Eliezer's theory regarding weapons? It is written [Psalms, xlv. 4]: "Gird thy sword upon thy thighs, O Most Mighty, with thy glory and thy majesty."

Said R. Kahana to Mar, the son of R. Huna: Is not this passage applied to the study of the Law (Torah)? And he answered: "Anything may be inferred from a passage; at the same time, the passage must not be deprived of its common sense." Said R. Kahana: "I am fourscore years old and have studied the six sections of the Mishna with their explanations through, and did not know until now that a scriptural passage

has first to be interpreted in its plainest form!" What information does he mean to convey to *us* by this assertion? That man has to study the Law through first, and then reason upon it.

R. Jeremiah in the name of R. Elazar said: Two scholars who debate in the Law (not for controversy's sake), the Holy One, blessed be He, causes them to prosper; moreover, they become exalted, for it is written [Psalms, xlv. 5], "be prosperous." But lest one say that this would be the case even if they (debate), not for the purpose (of studying the Law), therefore it says further [ibid., ibid.], "because of truth." Again, one might say that the same would be the case even if one became arrogant and conceited. Therefore it says further [ibid., ibid.], "and meekness and righteousness." And if they act humbly they will be rewarded with (the knowledge of) the Law, which was given with the right hand (of God), as it is further written [ibid.], "and thy right hand shall teach thee fearful things."

R. Na'hman b. Itz'hak says they will be rewarded with the knowledge of what is said of the right hand of the Law, for Rabha b. R. Shila, according to others R. Joseph b. Hama in the name of R. Shesheth, said: How is to be explained the passage [Proverbs, iii. 16]: "Length of days is in her right hand; and in her left riches and honor"? Shall one say that in the right hand is only length of days, but not riches and honor? Common sense does not dictate so; therefore it must be interpreted thus: For those who study the Torah in the right way there is long life, and so much the more riches and honor; but for those who study it *not* in the right way, riches and honor there may be, but not long life.

Said R. Jeremiah in the name of R. Simeon b. Lakish: Two scholars who quietly discourse on the Torah among themselves, the Holy One, blessed be He, hearkens unto them and listens to their desires, for it is written [Malachi, iii. 16]: "Then conversed they that fear the Lord one with the other," etc. Conversed means conversed quietly, as it is written [in Psalms, xlvii. 4]: "He will subdue (quiet) people under us." (Subdue and converse are expressed by the same terms in the two passages, hence the similitude.*) What is meant by the words "that thought upon His name"? Said R. Ami: "Even when

* The words *conversed* and *subdue* in the two passages are expressed in Hebrew by "Nidberu" and "Yadber." Both are derived from the root Dibur = to speak quietly.

one intended to observe a commandment, but was accidentally prevented and could not accomplish it, it is credited to him as if he had actually observed it." Thus the passage "thought upon His name" is interpreted.

Said R. Hanina b. Ide: Whosoever observes a commandment as prescribed, will not be the recipient of bad tidings, for it is written [Eccl. viii. 5]: "Whoso keepeth the commandment will experience no evil thing." R. Assi, others say R. Hanina, said: "Even if the Holy One, blessed be He, has so decreed it (that he shall experience evil things) the decree is annulled through the prayers of this man, as it is written [ibid. 4]: "Because the word of a king is powerful, and who may say unto him, what doest thou?' and this immediately followed by the passage: 'Whoso keepeth the commandment will experience no evil thing.'"

R. Aba in the name of R. Simeon b. Lakish said: Two scholars who mutually instruct themselves in the Law, the Holy One, blessed be He, hearkens to their voices, for it is written [Song of Solomon, viii. 13]: "Thou that dwellest in the gardens, the companions listen for thy voice; oh, let me hear it"; but if they do not do so, they cause the Shekhina to move away from Israel, for further it is written [ibid. 14]: "Flee away, my beloved," etc.

The same in the name of the same authority said: The Holy One, blessed be He, *loves* two scholars who combine to study the Law, for it is written [Solomon's Song, ii. 4]: "And his banner over me was love." Said Rabha: Provided they know something of Law, but have no instructor to teach them at the place where they reside."

The same said again: "The man who lends his money is more deserving than the charitable man, and the most deserving of all is he who gives charity surreptitiously or invests money in partnership (with the poor)." Furthermore he said: "If thy teacher is jealous (for thy welfare) and as spiteful as a serpent (if thou neglect thy studies), carry him on thy shoulders (because from him thou wilt learn), and if an ignoramus plays the pious, do not live in his neighborhood."

R. Kahana, according to others R. Assi, and according to still others R. Abba in the name of R. Simeon b. Lakish, said: "Whoso raises a vicious dog in his house prevents charity to proceed therefrom (for the poor are afraid to go in), as it is written [Job, vi. 14]: "As though I were one who refuseth kind-

ness to a friend." ("As though *I* were one who refuseth" is expressed in Hebrew by one word, viz., lamos; in Greek λαμος means dog,* and hence R. Simeon's inference.) Said R. Na'hman: "He even forsaketh the fear of the Lord," for it is written at the end of the verse [ibid., ibid.]: "And forsaketh the fear of the Lord."

Once a woman went into a certain house to bake, and a dog, through barking at her, caused her to have a miscarriage. Said the landlord of the house "Fear him not, I have deprived him of his teeth and claws"; but the woman answered: "Throw thy favors to the dogs, the child is already gone!"

Said R. Huna: It is written [Eccl. xi. 9]: "Rejoice, oh young man, in thy childhood, and let thy heart cheer thee in the days of thy youthful vigor, and walk firmly in the ways of thy heart and in the direction in which thy eyes see; but know thou that concerning all these things God will bring thee into judgment." (Does not this passage contradict itself? Nay.) Up to the words "and know" are words of the misleader, and from there on are words of the good leader. Resh Lakish said up to "(and) know" the theoretical part of the law is meant, and from there on it speaks of good acts.

"*Knee-buckles are clean,*" etc. Said R. Jehudah: This (birith) means arm-bandages. To this R. Joseph objected: "We have learned that a birith is (virtually) clean, and one may go out with it on the Sabbath. If it is an arm-band, how can that be? The latter is subject to defilement." It means that the birith is worn on the same part of the leg as the arm-bandage on the arm.

Rabbin and R. Huna sat before R. Jeremiah, who slumbered, and Rabbin said: "A birith is worn on one of the thighs and kebalim on both shins." But R. Huna said both are worn on both shins, but the chain attached to the birith on both shins is called kebalim, and the chain makes them a perfect vessel. At this point of the argument R. Jeremiah awoke and said: "I thank you. Even so I heard R. Johanan say." When R. Dimi came to Neherdai, he sent to tell the sages: My former information in the name of R. Johanan that the Tzitz was a woven thing was an error, as so was said in his name. Whence the adduction that any ornament is subject to becoming defiled? From the Tzitz, the golden plate on the

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*R. Simeon b. Lakish was a Palestinian and knew the Greek language.

forehead of the High Priest. And whence the adduction that textile fabrics are also subject to becoming defiled? From the passage [Lev. xi. 32], "or" raiment, which includes any textile fabrics whatsoever.

The rabbis taught: "Any piece of textile fabric or any trifle of an ornament is subject to defilement." But how is it with an article which is half texture and half ornament? It is also subject to defilement. As for an ornament which is carried in a bag, the bag being of woven material becomes defiled and with it the ornament, but if the ornament was carried in a piece of cloth, the cloth remains undefiled. Is a piece of cloth not a textile fabric? Yea, but by that is meant that the bag, even if not made of textile fabric, becomes defiled, because it is attached to the garment. What is a bag used for? Said R. Johanan: Poor people use them for the purpose of putting some trifles in them and then hang them on the necks of their daughters.

It is written "And Moses was wroth with the officers of the host" [Numb. xxxi. 14]. Said R. Na'hman in the name of Rabba b. Abuhu: "Thus said Moses unto Israel: 'Have ye then returned to your first sin (that ye have let the females live)?'" They answered him [ibid. 49]: "Thy servants have taken the sum of the men of war who have been under our command, and there lacketh not one man of us" (implying that none had sinned). Said Moses again: "If such be the case, why need ye atonement?" They answered: "Though we have strengthened ourselves to keep aloof from sin, we could not put it out of our minds. We have therefore [ibid. 50] brought an oblation unto the Lord." On this the school of R. Ishmael taught: Why did the Israelites of that generation require forgiveness? Because they had feasted their eyes on strange women.

MISHNA *V.*: A woman may go out with plaits of hair, be they made of her own hair or of another woman or of an animal; with Totaphoth or Sarbitin if fastened.* With a hood or with a wig in her yard (private ground); with cotton wadding in her ear or in her shoe; or with cotton wadding prepared for her menstruation; with a grain of pepper or of salt, or with whatever else she may be accustomed to keep in her mouth, provided she does not put it in her mouth on the Sabbath to

* See note to preceding Mishna.

commence with; if it fell out of her mouth she must not replace it. As for a metal or golden tooth, Rabbi permits a woman to go out with it, but the sages prohibit it.

GEMARA: It has been taught: "Provided a young woman does not go out with (plaits of hair belonging to) an old woman; nor an old woman with plaits of hair belonging to a young woman." So far as an old woman is concerned, it would be nothing but right, for the plaits of a young woman would be a source of pride to her (and there is fear of her taking them off to show to others); but why should a young woman be prohibited to go out with plaits belonging to an old woman? They are a disgrace to her (and surely she would not take them off for exhibition)! The teacher while treating on plaits with respect to an old woman also makes mention of the case of a young woman (for the sake of antithesis).

"*With a hood or a wig in her yard.*" Said Rabh: "Everything prohibited by the sages to be worn on public ground must not be worn in the yard, save a hood and a wig." R. Anani b. Sasson in the name of R. Ishmael said: "Everything may be worn in the yard like a hood. But why does Rabh discriminate in favor of these objects?" Said Ulla: "In order that she may not become repulsive to her husband."

"*And with cotton in her ears or in her shoes.*" Romi b. Ezekiel taught only when tied to her ears or her shoes.

"*And cotton wadding prepared for her menstruation.*" "In this case," said Rabha, "even if it is not tied it may be worn, because, being disgusting, it will not be handled." R. Jeremiah b. R. Abba questioned Rabha: "How is it if the same was prepared with a handle?" And he answered: "Then it is also allowed." And so also it was taught by R. Na'hman b. Oshia in the name of R. Johanan.

R. Johanan went to the college with cotton wadding in his ears on Sabbath, and his colleagues objected to it. R. Joni went into unclaimed ground with it against the opinion of all his contemporaries.

"*With a grain of pepper or a grain of salt.*" The former to take away any bad odor of the breath and the latter as a remedy for toothache.

"*Or with whatever else she is accustomed to keep in her mouth,*" meaning ginger or cinnamon.

"*A metal or a gilt tooth,*" etc. Said R. Zera: They differ concerning a gold tooth only, for a silver tooth is unanimously

permitted. And so we have learned plainly in a Boraitha. Said Abayi: Rabbi, R. Eliezer, and R. Simeon b. Elazar, all three agree to the opinion that anything provoking disgust (or ridicule) a woman will not wear for show: Rabbi, as just cited; R. Eliezer, as he freed a woman bearing a box of cachous or a perfume bottle; R. Simeon b. Elazar, as we have learned in the following Boraitha: "Anything below the hair-net is permitted to be worn outside."

MISHNA *VI.*: Women may go out with a coin fastened to a swelling on their feet; little girls may go out with laces on and even with screws in their ears. Arabians may go out in their long veils and Medians in their mantillas; so may even all women go out, but the sages spoke of existing customs. She may fold her mantilla around a stone, nut, or a coin (used as buttons), provided she does it not especially on the Sabbath.

GEMARA: "*Little girls may go out with laces.*" The father of Samuel did not permit his daughters to go out with laces nor to sleep together; he made bathing-places for them during the month of Nissan, and curtains during the month of Tishri. "He did not permit them to go out with laces?" Were we not taught that girls may go out with laces? The daughters of Samuel's father wore colored (fancy) laces and (lest they take them off to show to others) he did not permit them to go out with them.

"*Fold her mantilla around a stone,*" etc. But did not the first part (of the Mishna) say that she may fold it, etc.? Said Abayi, the last part of the Mishna has reference to a coin (which is not permitted). Abayi questioned: May a woman fold her mantilla on Sabbath shrewdly around a nut for the purpose of bringing it to her little son? And this question is according to both; to him who permits subtilty in case of fire, and also according to him who forbids it. According to him who permits it, it may be that only in case of fire he permits, as if it were not allowed, he would extinguish it; but this is not the case here. And according to him who prohibits it, it may be that he does so because the clothing seller usually so bears the clothes; but here, as it is not the custom to bear it so, it may be that it is permitted? The question remains.

MISHNA *VII.*: The cripple may go out with his wooden leg; such is the decree of R. Meir, but R. Jossi prohibits it. If the wooden leg has a receptacle for pads, it is subject to

defilement. Crutches are subject to defilement by being sat or trodden upon;* but one may go out with them on Sabbath and enter the outer court (of the Temple). The chair and crutches of a paralytic are subject to defilement, and one must not go out with them on the Sabbath nor enter the outer court (of the Temple). Stilts are not subject to defilement, but nevertheless one must not go out with them on Sabbath.

GEMARA: Rabha said to R. Na'hman: How are we to accept the teaching of the Mishna? Did R. Meir permit the cripple to go out with a wooden leg on the Sabbath and R. Jossi prohibit his doing so, or *vice versa?* Answered R. Na'hman: "I know not." "And how shall the Halakha prevail?" Answered R. Na'hman again: "I know not." It was taught: Samuel and also R. Huna begin the Mishna: "A cripple shall not," etc. And R. Joseph said: "As both sages read the Mishna so, we shall do the same." Rabha b. Shira, however, opposed: "Was he not aware that when R. Hanon b. Rabha taught so to Hyya, the son of Rabh, the father showed him with the movement of his hands to change the names? In reality Samuel himself has also receded from the former teaching, and has corrected: "A cripple may go out," so is the decree of R. Meir. [Hamoth, 101*a*.]

"*And must not enter the outer court,*" etc. A Tana taught before R. Johanan that one *may* go in with them in the outer court. Said R. Johanan to him: I teach that a woman may perform the "Chalitza" † with them (hence they are considered shoes), and you say he may go in with them to the outer court. Go and teach the contrary.

MISHNA *VIII.*: Boys may go out with bands and princes with golden belts; so may every one else, but the sages adduce their instances from existing customs.

GEMARA: What kinds of bands? Said Ada Mari in the name of R. Na'hman b. Baruch, who said in the name of R. Ashi b. Abhin, quoting R. Jehudah: "Wreaths of Puah roots." Said Abayi: "My mother told me that three of such wreaths give relief (in sickness), five of them produce a complete cure, and seven of them are even proof against witchcraft."

Said R. Aha b. Jacob: "And this only if they (the wreaths)

* Wherever the expression "subject to defilement by being sat or trodden upon" occurs in the Talmud it refers to being sat or trodden upon by a person afflicted with venereal diseases.

† See the law of Chalitza [Deut. xxv. 9].

have never seen sun, moon, or rain; never heard a hammer fall or a cock crow or the fall of footsteps."

Said R. Na'hman b. Itz'hak: "Thy bread is cast upon the deep" (meaning the remedy is an impossibility).*

The rabbis taught: (Women) may go out with a Kutana stone (to prevent miscarriage) on the Sabbath. It was said in the name of R. Meir that they may even go out with the counterpoise of a Kutana stone, and not only such (women) as have already once miscarried, but even as a preventive to miscarriage, and not only when a woman is pregnant, but lest she become pregnant and miscarry. Said R. Jemar b. Shalmia in the name of Abayi: But the counterpoise must be an exact one and made in one piece.

MISHNA *IX.*: It is permitted to go out with eggs of grasshoppers or with the tooth of a fox or a nail from the gallows where a man was hanged, as medical remedies. Such is the decision of R. Meir, but the sages prohibit the using of these things even on week days, for fear of imitating the Amorites.†

GEMARA: The eggs of grasshoppers as a remedy for toothache; the tooth of a fox as a remedy for sleep, viz., the tooth of a live fox to prevent sleep and of a dead one to cause sleep; the nail from the gallows where a man was hanged as a remedy for swelling.

"*As medical remedies*," such is the decision of R. Meir. Abayi and Rabha both said: "Anything (intended) for a medical remedy, there is no apprehension of imitating the Amorites; hence, if not intended as a remedy there *is* apprehension of imitating the Amorites? But were we not taught that a tree which throws off its fruit, it is permitted to paint it and lay stones around it? It is right only to lay stones around it in order to weaken its strength, but what remedy is painting it? Is it not imitating the Amorites? (Nay) it is only that people may see it and pray for mercy. We have learned in a Boraitha: It is written [Leviticus, xiii. 45]: "Unclean, unclean, shall he call out." (To what purpose?) That one must make his troubles known to his fellow-men, that they may pray for his relief.

Rabhina said: The hanging up of a cluster of dates on a date

* The text continues with different quack remedies for sickness, melancholy, and other things which are neither important nor translatable, and therefore omitted.

† See Leviticus, xviii. 3 and 30, where the imitating of the customs of the Canaanites and Amorites is forbidden.

tree (as a sign that the tree throws off its fruit) is in accordance with the above-mentioned teacher.

If one says: "Kill this cock, for he crowed at night; or kill this hen, for she crowed like a cock; or I will drink and leave a little over," because of superstition, there is apprehension that he imitate the Amorites; but one may put a splinter of "Tuth"* or a piece of glass in a pot, that it may boil the quicker. The sages, however, prohibited pieces of glass as being dangerous. The rabbis taught: One may throw a handful of salt in a lamp that it may burn the brighter, or loam and fragments of earthenware that it may burn more slowly. The saying "to your health" at wine-drinking is no imitation of the customs of the Amorites. It happened that R. Aqiba gave a banquet in honor of his son, and at every cup that he drank he said: "To the wine in the mouth and to the health of the sages and their disciples."

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* *Zilla*, according to the commentary of Malkhi Zedek, which means "a smooth shrubby herb, of the mustard family."

CHAPTER VII.

THE GENERAL RULE CONCERNING THE PRINCIPAL ACTS OF LABOR ON SABBATH.

MISHNA *I.*: A general rule was laid down respecting the Sabbath. One who has entirely forgotten the principle of (keeping) the Sabbath and performed many kinds of work on many Sabbath days, is liable to bring but *one* sin-offering. He, however, who was aware of the principle of Sabbath, but (forgetting the day) committed many acts of labor on Sabbath days, is liable to bring a separate sin-offering for each and every Sabbath day (which he has violated). One who knew that it was Sabbath and performed many kinds of work on different Sabbath days (not knowing that such work was prohibited), is liable to bring a separate sin-offering for every principal act of labor committed. One who committed many acts all emanating from one principal act is liable for but one sin-offering.

GEMARA: What is the reason that the Mishna uses the expression "a general rule"? Shall we assume that it means to teach us a subordinate rule in the succeeding Mishna, and the same is the case with the Mishna concerning the Sabbatical year, where at first a general rule is taught and the subsequent Mishnas teach a subordinate rule? Why does the Mishna relating to tithes teach *one rule* and the succeeding Mishna *another*, but does not call the first rule a "general rule"? Said R. Jose b. Abbin: Sabbath and the Sabbatical years, in both of which there are *principals* and *derivatives*, he expresses a general rule; tithes, however, in which there are no principals and derivatives, no general rule was laid down. But did not Bar Kapara teach us a general rule also in tithes? It must be therefore explained thus: The subject of Sabbath is greater than Sabbatical, as the first applies to attached and detached things, while the Sabbatical applies only to attached ones. The subject of the latter, however, is greater than tithes, as it applies to human and cattle food; while tithes applies only to human food. And Bar Kapara teaches a general rule in tithes also,

because it is greater than peah (corner tithe), as tne former applies also to figs and herbs, which is not the case with peah.

It was taught concerning the statement of the Mishna: He who forgot, etc., that Rabh and Samuel both said: Even a child that was captured by idolaters or a proselyte who remained among idolaters is regarded as one who was aware of the principle, but forgot it and is liable; and both R. Johanan and Resh Lakish said that the liability falls only upon him who was aware, but *subsequently* forgot; the child and the proselyte in question are considered as if they were never aware, and are free.

An objection was raised from the following: A general rule was laid down concerning the observation of the Sabbath. One who had entirely forgotten the principle of Sabbath, and had performed many kinds of work on many Sabbath days, is liable for but *one* sin-offering. How so? A child which was captured by idolaters and a proselyte remaining with idolaters, who had performed many acts of labor on different Sabbaths, are liable for but one sin-offering; and also for the blood or (prohibited) fats which he has consumed during the whole time, and even for worshipping idols during the whole time, he is liable for only one sin-offering. Munbaz, however, frees them entirely. And thus did he discuss before R. Aqiba: Since the intentional transgressor and the unintentional are both called sinners, I may say: As an intentional one cannot be called so unless he was aware that it is a sin, the same is the case with an unintentional, who cannot be called sinner unless he was at some time aware that this is a sin (it is true, then, the above must be considered as never having been aware of it). Said R. Aqiba to him: "I will make an amendment to your decree, as the intentional transgressor cannot be considered as such unless he is cognizant of his guilt *at the time of action*, so also should not the unintentional transgressor be considered as such unless he is cognizant *at the time of action*." Answered Munbaz: "So it is, and the more so after your amendment." Thereupon R. Aqiba replied: "According to *your* reasoning, one could not be called an unintentional transgressor, but an intentional." Hence it is plainly stated: "How so? A child," etc. This is only in accordance with Rabh and Samuel, and it contradicts R. Johanan and R. Simeon b. Lakish. They may say: "Is there not a Tana Munbaz, who freed them? We hold with him and with his reason, namely: It is written [Numb. xv. 29]: "A law shall be for you, for him that acteth through igno-

rance," and the next verse says [ibid. 30], " but the person that doeth aught with a high hand." The verse compares then the ignorant to him who has acted intentionally; and as the latter cannot be guilty unless he was aware of his sin, the same is the case with the ignorant, who cannot be considered guilty unless he was at some time aware of the sin.

Another objection was raised from a Mishna farther on: " Forty less one are the principal acts of labor." And deliberating for what purpose the number is taught, said R. Johanan: For that, if one performed them *all* through forgetfulness, he is liable for each of them. How is such a thing (as utter forgetfulness) to be imagined? We must assume that although cognizant of the (day being) Sabbath, one forgot which acts of labor (were prohibited). And this is correct only in accordance with R. Johanan, who holds: " If one is ignorant of what acts of labor constitute (sin punishable with) Karath (being 'cut off'), and commits one of those acts even intentionally, he is bound to bring a sin-offering only." And such an instance can be found in case one knows that those acts of labor were prohibited, at the same time being ignorant of that punishment which is Karath. But according to R. Simeon b. Lakish, who holds that one must be totally ignorant of both the punishment of Karath and what acts are prohibited on Sabbath, how can the above case be found? He was aware that Sabbath must be kept. But what was he aware of in the observance of Sabbath? He only knew of the law governing the going outside of the boundaries of the city.

But who is the Tana of the following Boraitha? The scriptural passage, " Him that acteth through ignorance," refers to one who was ignorant both of the (principle of) Sabbath and the prohibition of the acts of labor. One who was cognizant of both is referred to by the Scriptures as " the person that doeth aught with a high hand." If one, however, was cognizant of the (principle of) Sabbath, but not of the prohibition of the acts of labor, or *vice versa*, or even if he knew that the acts of labor were prohibited, but did not know that they involved culpability requiring a sin-offering (while he is not the scriptural man " that acteth through ignorance "), still he is culpable of a transgression requiring a sin-offering? It is Munbaz mentioned above.

R. Huna said: One who has been travelling in a desert and does not know what day is Sabbath, must count six days from the day (on which he realizes) that he has missed the Sabbath,

and observe the seventh. Hyya b. Rabh said: He must observe that very day and then continue his counting from that day. And what is the point of their differing? The former holds that one must act in accordance with the creation (which commenced six days before the Sabbath), while the latter holds that one must be guided by Adam's creation (on the eve of Sabbath). An objection was made: "If a man while travelling in a desert forgot when the Sabbath arrives, he must count 'one day to six' and then observe the seventh. Does this not mean he must count six days and then observe the seventh?" Nay; it may be said that it means that very day, and continue his counting from that day. If this be the case, why are we taught "he must count one to six"? It should be taught (plainly) he must observe a day and continue counting from that day. Moreover, we were taught in a Boraitha: "If one while travelling in the desert forgot when the Sabbath arrives, he must count six days and observe the seventh." The objection to R. Hyya b. Rabh is sustained.

Rabha said (referring to the traveller who forgot the Sabbath): "On every day, except the one on which he realizes that he has missed the Sabbath, he may perform enough labor to sustain himself." But one that should do nothing and die (of hunger)? Nay; only in case he provided himself with his necessaries on the preceding day. Perhaps the preceding day was Sabbath. Therefore read: He may labor even on that day to sustain himself. In what respects is that day, then, to be distinguished from other days? By means of Kiddush and Habhdalah.*

Said Rabha again: "If he only recollects the number of days he has been travelling, he may labor all day on the eighth day of his journey, in any event" (for he surely did not start on his journey on a Sabbath). Is this not self-evident? Lest one say that one would not only not start out on the Sabbath, but also not on the day before Sabbath; hence, if he went out on the fifth day of the week, he is permitted to work on both the eighth and ninth days of his journey. Therefore he comes to teach us that only on the eighth day of his journey would he be permitted to work, for frequently one comes upon a caravan on Friday and starts out even on that day.

* Kiddush and Habhdalah are the benedictions recited at the commencement and termination of the Sabbath, the former over wine or bread and the latter only over some beverage.

"*One who has entirely forgotten*," etc. Whence is this deduced? Said R. Na'hman in the name of Rabba b. Abuhu: "There are two verses in the Scripture, viz. [Exod. xxxi. 16]: 'And the children of Israel shall keep the Sabbath,' and [Lev. xix. 3]: 'And my Sabbaths shall ye keep.' How is this to be explained?" The first means the observance of the commandment of Sabbath generally, and the second means one observance of the commandment for each Sabbath.

"*One who knew (the principle of) Sabbath.*" What is the reason of a difference between the former and the latter part of the Mishna? Said R. Na'hman: For what transgression does the Scripture make one liable for a sin-offering? For what is done through ignorance? In the former part of the Mishna the case of one who was not aware that it was Sabbath is dealt with, and hence only one sin-offering is imposed, while in the latter the case dealt with is of one who was aware that it was Sabbath, but ignorant as to the acts of labor, hence a sin-offering for each act is prescribed.

"*Liable for a sin-offering*," etc. Whence do we deduce the distinction between acts of labor? Said Samuel: It is written [Exod. xxxi. 14]: "Every one that defileth it shall be surely put to death." We see, then, that the Scripture has provided many deaths* for defiling the Sabbath. But does not the verse refer to one who violates the Sabbath wantonly? As it cannot be applied to an intentional violator, for it is already written [Exod. xxxv. 2]: Whosoever doeth work thereon shall be put to death"; therefore apply it to an unintentional sinner. How, then, will you explain the words "put to death"? That is only the pecuniary equivalent (of being put to death) (viz., he shall bring a sin-offering which costs money). Why not advance the distinction between the acts of labor, as R. Nathan (does elsewhere)? Samuel is not of the opinion of R. Nathan, but of R. Jossi, who says that the additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who does kindle a fire is not to be punished either with Karath or stoning; for we have learned in a Boraitha: The additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who kindles a fire on the Sabbath is not to be punished either with Karath

* The literal translation of the passage Exod. xxxi. 14 is: "Every one that defileth it [the Sabbath], death shall he die."

or stoning. Such is the opinion of R. Jossi. R. Nathan says it is written for the sake of separation (from other acts). Let then the separation of acts of labor be adduced whence R. Jossi adduces them—in the following Boraitha: It is written [Lev. iv. 2]: "And do (of) any (one) of them," as follows: Sometimes one is only bound to bring one sin-offering for all transgressions, and sometimes one is bound to bring a sin-offering for each and every transgression separately.

Said R. Jossi b. Hanina: "Why does R. Jossi explain that passage thus? The verse should read 'one of them' (Achath mehenoh), but in reality it reads 'of one of them' (Meachath mehenoh), or it should read 'of one them' (Meachath henoh), but it reads 'of one of them.' Therefore he explains that 'sometimes one is equal to many and sometimes many equal one.'"*

Rabha questioned R. Na'hman: "How is it if one is ignorant of both (of the day being Sabbath and the prohibition of the acts of labor on that day)? Answered R. Na'hman: "Take one instance at a time. You say he was ignorant of the day being Sabbath; then he is bound to bring a sin-offering. How would it be if, on the contrary, I had said that he was ignorant of the prohibition of the acts of labor *first?* Would you say that he becomes liable to a sin-offering for each and every act performed?" Said R. Ashi: "Let us see from the man's actions. How would it be if one came to him and reminded him of its being Sabbath (without calling his attention to the fact that he was working)? If the man *immediately* stopped his work, it is clear that he had actually forgotten that it was Sabbath. If, however, the man was reminded by a third party that he was working (without having his attention called to the fact that it was Sabbath), and he immediately quit his work, it is evident that he was not cognizant of the prohibition of the acts of labor; hence he would become liable to bring a sin-offering for each and every act performed. Said Rabbina to R. Ashi: "What difference does it make? If one is reminded that it is Sabbath and he quits work, he becomes aware that it is Sabbath, and if he is reminded of his working he also becomes aware that the day is Sabbath; hence it makes no difference."

Rabha said (supposing the following case happened: "One reaped and ground the equivalent (in size) of a fig on a Sabbath,

* In that passage there is a superfluous Mem (the Hebrew prefix meaning *of* or *from*). Hence its literal translation is "of one of them."

without knowing that it was Sabbath, and on another Sabbath did the same thing, knowing it was Sabbath, but not knowing that such acts of labor were prohibited; then remembered that he had committed a transgression on the Sabbath through ignorance of the day being Sabbath, and took a sheep and set it aside for a sin-offering. Suddenly he recollected that he had also committed a transgression on the other Sabbath, through his ignorance of the prohibition of the acts of labor. What would the law be in such a case? I can say that the sheep set aside for a sin-offering for the first transgression suffices also for the second, although in reality two sin-offerings were required to atone for the second transgression. The one sin-offering would suffice, because it is in truth not brought for forgetting the Sabbath, but for reaping and grinding; the reaping in the first instance carries with it the reaping in the second, as also the grinding in the first instance carries with it the grinding in the second, and one sin-offering atones for all.

Assuming, however, that in the second instance (when he forgot about the prohibition of the acts of labor) he (at some later time) recollected only having reaped (but forgot that he also ground), and having set aside the sin-offering he became liable for on account of his transgression in the first instance (when he forgot about the Sabbath), he atones for the reaping and grinding on the first Sabbath and for the reaping on the second Sabbath, but not for the grinding on the second Sabbath; hence (after also recollecting that he had ground) he must bring an additional sin-offering. Abayi, however, says: The one sin-offering atones for all, because the grinding, which he atones for in the first instance, also carries with it the grinding in the second instance. Why so? For the reason that in both instances the acts atoned for are analogous. (When a sin-offering was brought, a confession was made. In citing the sin committed in the first instance grinding was mentioned and applies also to the grinding in the second instance. Therefore no additional sin-offering is necessary.)

It was taught: If one has eaten tallow (which is prohibited) on two different occasions, and at both times the tallow was the equivalent (in size) of an olive (or larger); and afterward he was reminded of the first occason, and later on of the second occasion also, what is the law in his case? R. Johanan says: He must bring two sin-offerings. Why so? Because he recollected the transgressions at different times. Resh Lakish,

however, says: He need bring only one sin-offering. What is R. Johanan's reason? Because it is written [Lev. iv. 28]: "For his sin, which he hath committed," and he adduces therefrom that for every sin committed one must bring a separate sin-offering, and Resh Lakish holds according to the passage [ibid. 26], "Concerning his sin, and it shall be forgiven him," and claims that it being one and the same sin, only one sin-offering is sufficient. But what will Resh Lakish do with the verse, "For his sin which he hath committed"? That refers to the sin-offering which had already been brought, and therefore could not apply to a later sin. And what about R. Johanan and the passage, "Concerning his sin, and it shall be forgiven"? R. Johanan explains this as follows: If a man ate tallow equivalent (in size) to an olive and a half, and later ate another piece the size of half an olive. Afterward he recollected having eaten tallow, but thought that it was the size of one olive, might some not say that the remaining piece eaten in the first instance should be added to the piece eaten in the second instance, and thus constitute another piece the equivalent (in size) to an olive, and make him liable for another sin-offering? Therefore the passage which means: After once having obtained forgiveness for the transgression on the first occasion the second cannot be counted in with the first.

It was taught: If one intended to pick up a thing detached (for instance, a knife that had fallen in a row of vegetables), and while doing so (accidentally) cut off one of the growing vegetables, he is free.* If, however, he intended to cut something lying on (but not attached to) the ground, and instead cut off something growing out of (attached to) the ground, Rabha

* In the Tract Kriroth the reason of the man's non-culpability is explained as follows: It is written [Lev. iv. 23], "If now his sin *wherein* he has sinned come to his knowledge," and this should be supplemented with "but not the sin which he had not in mind to commit at all." Whence we see plainly that the Scriptures designate as an unintentional sinner only one who knows *wherein* he has sinned; for instance, if he became aware that it was Sabbath, or that the acts performed by him were prohibited. In our case, however, where a man intended to pick up a thing but accidentally *cut* a thing, it is evident that no intention to cut existed in the man's mind, and the intent of the "*wherein* he has sinned" in the Scriptures does not apply to him. Rabha goes further and says that even if one actually accomplished an act he had in mind and which was permissible on the Sabbath, but at the same time accidentally committed a prohibited act (as illustrated in the above instance), even in such a case the scriptural "*wherein* he has sinned" cannot apply, nor can he be accounted the scriptural unintentional sinner who is liable for a sin-offering. Abayi, however, differs with him, as will be seen farther on.

declares him free, because no intention to cut off the growing object existed in the mind of the man; but Abayi declares him culpable for the reason that, while the man did not intend to cut off what he really did, still the intention to cut was prevalent in the man's mind, and he really did cut; hence he is what the Scriptures refer to as "one who acteth unintentionally."

It was also taught: One who intended to throw (from private ground into public) only for a distance of two ells, but threw four, is freed by Rabha, for the reason that the original intention was to throw within a permissible distance (throwing for a distance of two ells only was permitted); but Abayi held him culpable, for the reason that the act originally intended was accomplished. If one threw in public ground mistaking it for private, Rabh holds him free (for the same reason as before), and Abayi holds him culpable (also for the same reason as he gave in the previous case). Both instances though analogous are necessary. In the first instance (of cutting), where Rabh holds the offender not culpable, the intention to cut off what was prohibited did not exist, but in the second instance (throwing four ells), it could not be accomplished without (carrying out the intention of) throwing for two ells, and passing the two ells (the object landing at a distance of four). Now, lest one might say that Rabha coincides with the opinion of Abayi, and from the latter instance it might be assumed that the offender intended to throw two, but threw four ells, hence Rabha holds him not culpable, for the intention to throw four ells did not exist; but if one threw four ells in what he thought was private ground, and which turned out to be public ground, the intention was carried out, for the object thrown reached its desired destination, and therefore lest one say that in *this* case Rabha coincides with Abayi, the two instances are illustrated, and we are informed that not even in this case does Rabha agree with Abayi.

MISHNA *II.*: The principal acts of labor (prohibited on the Sabbath) are forty less one—viz.: Sowing, ploughing, reaping, binding into sheaves, threshing, winnowing, fruit-cleaning, grinding, sifting, kneading, baking, wool-shearing, bleaching, combing, dyeing, spinning, warping, making two spindle-trees, weaving two threads, separating two threads (in the warp), tying a knot, untying a knot, sewing on with two stitches, tearing in order to sew together with two stitches, hunting deer, slaughtering the same, skinning them, salting them, preparing the

hide, scraping the hair off, cutting it, writing two (single) letters (characters), erasing in order to write two letters, building, demolishing (in order to rebuild), kindling, extinguishing (fire), hammering, transferring from one place into another. These are the principal acts of labor—forty less one.

GEMARA: For what purpose is the number (so distinctly) given? (They are enumerated.) Said R. Johanan: If one labored through total ignorance of the (laws governing the) Sabbath, he must bring a sin-offering for every act of labor performed.

"*Sowing, ploughing.*" Let us see: Ploughing being always done before sowing, let it be taught first. The Tana (who taught as in the Mishna) is a Palestinian, and in his country they sow first and then plough. Some one taught that sowing, pruning, planting, transplanting, and grafting are all one and the same kind of labor. What would he inform us thereby? That if one performs many acts of labor, all of the same class, he is liable for but one sin-offering.

Said R. Aha in the name of R. Hyya b. Ashi, quoting R. Ami: "One who prunes is guilty of planting, and one who plants, transplants, or grafts is guilty of sowing." Of sowing and not of planting? I mean to say of sowing also.

Said R. Kahana: One who prunes and uses the branches for fuel is liable for two sin-offerings, one for reaping and one for planting. Said R. Joseph: One who mows alfalfa (hay) is guilty of mowing and planting both. Said Abayi: One who mows clover hay (which sheds its seed when mowed) is liable (for a sin-offering) for mowing and sowing.

"*Ploughing.*" There is a Boraitha: Ploughing, digging, furrowing, are one and the same kind of labor. R. Shesheth said: One who removes a knoll of earth in a house becomes liable for building, and if in a field he is liable for ploughing. Rabha said: Filling up a hole in the house makes one liable for building, and in the field for ploughing. R. Aba said: Digging (the same hole) on Sabbath for the purpose of making use of the earth alone is free even according to R. Jehudah, who said that the performance of an unnecessary act of labor makes one culpable. He refers to labor that improves an object and not to that which spoils it.

"*Mowing.*" There is a Boraitha: Reaping, vintaging, selecting dates, olives, and figs are all one and the same kind of labor.

"*Binding into sheaves.*" Rabha said: One who gathers salt from salt works is guilty of the act of binding into sheaves. Abayi, however, said that binding into sheaves applies only to produce of the soil.

"*Threshing.*" There is a Boraitha: Threshing, carding, and hackling belong to one and the same class of labor.

"*Threshing, winnowing, fruit-cleaning,*" etc. Is not winnowing, fruit-cleaning, and sifting one and the same class of labor? Abayi and Rabha both said: "Acts of labor executed during the construction of the tabernacle are enumerated separately, though they are of an analogous nature." Let pounding then also be enumerated (as labor, inasmuch as the spices for incense had to be pounded). Said Abayi: (It is true! This is also one of the acts of labor performed at the construction of the tabernacle.) But as the poor people do not pound their grain, generally using it in its natural state, it is not included in the principal acts of labor. Rabha, however, said: "The Mishna should be understood in the sense Rabbi expounded it: The principal acts of labor are forty less one. Should pounding be included, there would be forty even." Let then one of the principal acts (enumerated in the Mishna) be stricken out and substituted by pounding. Hence it is best to accept Abayi's reason.

The rabbis taught: If there are several kinds of food before a man on the Sabbath, he may select such as he desires and even set it aside, but he must not separate the good from the spoilt. If he does this, he is liable for a sin-offering. How is this to be understood? R. Hamnuna explained it thus: "One may select the good from the spoilt for immediate or later consumption, but he must not pick out the spoilt, leaving the good for later consumption. If he does this, he is liable." Abayi opposed: "Is there anything mentioned (in the Mishna) about separating the good from the spoilt?" He therefore explained the Boraitha as follows: "Food may be selected for immediate consumption and setting aside, but not for later consumption. If this is done, it is considered the same as storing it, and involves the liability." This was reported to Rabha by the rabbis, and he said: Na'hmeni (Abayi) has explained it correctly.

When two kinds of food were before a man and he selected part of one kind and ate it, then selected part of the other kind and set it aside, R. Ashi learned in the Boraitha that the man is free, but R. Jeremiah of Diphti learned that he *is* culpable.

Is there not a Boraitha which teaches that he is? This presents no difficulty. R. Ashi refers to food served in a basket or a bowl, but R. Jeremiah learned that the man sifted the food in a sieve.

When R. Dimi came to Babylon he related: It happened on a Sabbath, when R. Bibhi's turn came to entertain the disciples, that R. Ami and R. Assi arrived. R. Bibhi placed before them a basket filled with fruit (together with the leaves and sprigs), and I am not aware what his reason was. Was he of the opinion that it is forbidden to separate food from trash, or was it his liberality?

Hyzkiyah said: "One who shells pressed lupines (on the Sabbath) is culpable." Does this mean to say that it is forbidden to separate food from trash? Nay; there is quite a difference where pressed lupines are concerned; they must be scalded just seven times and immediately shelled, for if they are not immediately shelled they become putrid; therefore to shell them is equal to separting trash from good food.

"*Grinding.*" Said R. Papa: To chop beets is the same as to grind. Splitting wood for kindling is the same as grinding. Said R. Ashi: Splitting leather is the same class of work as cutting by measure (if he is particular about it).

"*Kneading, baking.*" R. Papa said: "The Tana of the Mishna omitted the cooking of spices that took place in the tabernacle and instead of that taught about baking." It is because the Tana follows the order of baking (first comes kneading, then baking, and cooking is included in the latter).

"*Wool-shearing, bleaching.*" Rabba b. b. Hana in the name of R. Johanan said: Spinning wool from a live animal on the Sabbath makes one liable for three sin-offerings; one for shearing, one for carding, and one for spinning. R. Kahana, however, said: This is not the way shearing, carding, and spinning are done (hence he is not at all culpable).

If one plucked quills, cut off their tops, and singed them on both sides, the rabbis taught that he is liable for three sin-offerings.

"*Tying, untying.*" What kind of tying and untying was done at the construction of the tabernacle? Rabha, others say R. Ilayi, said: This is the way of the (snail) fishers; to untie their nets from one load and tie them on another.

"*Sewing on with two stitches.*" But two stitches do not hold (hence it cannot be called work)? Said Rabba b. b. Hana

in the name of R. Johanan: Provided two knots are made, one at each end.

"*Tearing in order to sew together with two stitches.*" Was there any tearing done at the tabernacle? Both Rabba and R. Zera said: When a curtain became moth-eaten, they tore out the moth-eaten part and sewed it together.

R. Zutra b. Tobiah in the name of Rabh said: "To rip a seam on the Sabbath makes one liable; to learn from a magician is a sin involving capital punishment; one who knows the science of astronomy and does not make use of it, is not worth being spoken of." What is a magician? Rabh says a "wizard." Samuel says a "blasphemer." R. Simeon b. Pazi in the name of R. Joshua b. Levi said: Whoever knows the science of astronomy, and does not occupy himself with it is the party alluded to [Isaiah, v. 12]: "But the deeds of the Lord they regard not and the works of his hands they behold not." Said Samuel b. Na'hmeni in the name of R. Jonathan: "Whence the adduction that we are bound to learn astronomy?" From the passage [Deut. iv. 6]: "Keep, therefore, and do them, for this is your wisdom and your understanding before the eyes of the nations." And what kind of wisdom is before the eyes of the nations? You must say that it is astronomy.

"*Hunting deer.*" The rabbis taught: To catch a slug and squeeze it so that it bleed is a transgression involving only a sin-offering. R. Jehudah says, involving two sin-offerings, for R. Jehudah holds that squeezing comes in the class of threshing, but the rabbis told him that squeezing is not threshing. What reason do the rabbis give for their opinion? Said Rabha: Their reason is that threshing can only be applied to produce of the soil.

"*Slaughtering.*" Under which category? Rabh said "dyeing," and Samuel said "taking life." Said Rabh: "I said something which may seem absurd, and so as to prevent future generations from deriding me I will give a reason for what I said: Butchers are in the habit of coloring the throat of the carcasses with blood, in order that people may see (that the meat is still fresh) and be induced to buy."

"*Salting the hide,*" etc. Is not salting a hide preparing it? Both R. Johanan and Resh Lakish said: "Strike out one of them in the Mishna and substitute it with 'marking.'"

"*Scraping the hair off,*" etc. R. Aha b. Hanina said: To polish a floor on the Sabbath is a transgression of the same

order as scraping off the hair of the hide. Said R. Hyya b. Abba: R. Ashi told me three things in the name of R. Joshua b. Levi: Sawing rafters on the Sabbath (that they may be equal in size and pointed) makes one liable the same as "cutting." Daubing a plaster on a piece of cloth makes one liable the same as "scraping hair off." Smoothing a stone makes one culpable of "hammering." R. Simeon b. Kisma in the name of R. Simeon b. Lakish, said: Painting pictures on vessels or blowing out glassware makes one culpable the same as hammering. R. Jehudah said: Removing a border from cloth also makes one as culpable as hammering; but only in case one is particular about having the border remain on his cloth.

"*Writing two letters.*" The rabbis taught: "If one wrote one large letter instead of two small ones, he is not guilty of any transgression; but to erase a large letter, in the place of which two small letters can be written, makes one liable for a sin-offering (for the erasing is done with the intent to write, and two small letters are evidently needed). Said R. Mena'hem b. Jossi: "This is the only case where the law is more rigorous with erasing than with writing."

"*Building, demolishing,*" etc. Both Rabba and R. Zera said: All work which is done in the last stages is considered the same as hammering (which is generally the finishing work).

"*These are the principal acts of labor.*" "These," to exclude a derivation of the same kind as the principal when it is done with the principal together, and as to which R. Eliezer makes one liable for the derivation also.

"*Less one,*" to exclude the extension of the warp or the woof, which R. Jehudah added to the principal acts; but the rabbis said: Extending the warp is included in warping and extending the woof is included in weaving.

MISHNA *III.*: And there is also another rule which was laid down: Whosoever carries out on the Sabbath such things as are fit and proper to be stored and in such a quantity as is usually stored, is liable; but whatever is not fit and proper to be stored, nor in such a quantity as is generally stored, only *he* who would store *this* is liable (because the storing shows that for him it is valuable).

GEMARA: "*Whatever is not fit and proper.*" Said R. Elazar: The latter part of the Mishna is not in accordance with R. Simeon b. Elazar, who said in the following Boraitha: "There is a rule that all which is *not* fit and proper to be stored nor in

such a quantity as is generally stored, if held by one man fit and another man has carried it out, the latter becomes liable for the intention of the owner."

MISHNA *IV.*: It is forbidden to carry about chopped straw in quantities of a cow's mouthful, stalks in quantities of a camel's mouthful, stubble in quantities of a lamb's mouthful, herbs in quantities of a kid's mouthful, leek and onion leaves, if fresh, equal in size to a dried fig, and if dry in quantities of a kid's mouthful. The different kinds of fodder are, however, not to be counted together, as the prescribed quantities are not equal for all.

GEMARA: "*Chopped straw.*" What kind? Said R. Jehudah: "Pease stalks." When Rabhin came to Babylon he said thus: There is no diversity of opinion concerning the carrying out of straw in quantities of a cow's mouthful for a camel, as all agree that in such a case one is liable; the point of their differing is concerning the carrying out of stalks (which is not fit food for a cow) in quantities of a cow's mouthful for a cow. R. Johanan frees him, as he holds that unfit food cannot be regarded as nutrition; and Resh Lakish makes him liable, as he holds that even such is considered nutrition.

"*Stubble in quantities of a lamb's mouthful.*" But does not a Boraitha state "the size of a dried fig"? Both quantities are equal.

"*Leek and onion leaves, if fresh,*" etc. Said R. Jossi b. Hanina: Inferior food is not to be counted in with superior (in order to make out the prescribed quantity). Superior food, however, may be counted with the inferior (in order to complete the prescribed quantity).

MISHNA *V.*: The carrying out of an article of food the size of a dried fig makes one liable. And the different kinds of them are to be counted together, for the prescribed quantity is the same for all kinds, with the exception of husks, kernels, and stalks; likewise bran, both coarse and fine. R. Jehudah says that the husks of lentils are not excepted, because they are boiled with the lentils and are counted in the same (as food).

GEMARA: "*Except bran,*" etc. Is not fine as well as coarse bran to be counted in (the same as food)? Is there not a Mishna concerning the separation of the first dough, that one is bound to separate the first dough made of flour mixed with its fine or coarse bran? Answered Abayi: "This is no contradiction. Poor people only generally use such mixed flour (when Sabbath is concerned something possessing real value is always spoken of)."

"The husks of lentils are not excepted," etc. Husks of lentils only, and not of beans? Did not a Boraitha state that R. Jehudah said, "husks of beans and lentils"? This presents no difficulty. The Mishna refers to husks of new lentils and the Boraitha refers to old lentils and beans. And why not old ones? Said R. Abuhu: Because they (the husks of lentils and beans) are black and when dished up look like flies in a bowl (they are *not* eaten with the food and therefore are not counted in).

CHAPTER VIII.

REGULATIONS CONCERNING THE PRESCRIBED QUANTITIES OF VICTUALS AND BEVERAGES WHICH MUST NOT BE CARRIED ABOUT ON THE SABBATH.

MISHNA *I.*: The prescribed quantities (of victuals and beverages) prohibited to be carried about on the Sabbath (are as follows): Sufficient wine in a goblet, which with the addition of a certain quantity of water would make a full goblet of wine (fit to drink);* milk to the quantity of a mouthful, honey sufficient to cover a wound with, oil sufficient to anoint a small limb with, and water in quantities sufficient for a medical bath for the eyes. For all other liquids and also of whatever can be poured out, the prescribed quantity is a quarter of a lug (about a quart). R. Simeon says: The prescribed quantities for the liquids enumerated in this Mishna are also a quarter of a lug, and the various prescribed quantities specified apply only to those who store such liquids.

GEMARA: A Boraitha, in addition to this Mishna, states: "The quantity which suffices for a good goblet of wine." What is to be understood by a good goblet? The goblet used in benediction† after meals.

R. Na'hman in the name of R. Abuhu said: "A goblet used at benediction after meals must contain no less than a fourth of a quarter lug (of pure wine), so that when mixed with water the prescribed quantity (a quarter lug) will be made." Said Rabha: We have learned this in our Mishna: "Sufficient wine in a goblet, which with addition of water would make a full goblet"—commented on by the Boraitha to mean "which would make a good goblet." From the close of the Mishna we learn: "For all other liquids the prescribed quantity is a quarter of a lug." [And] he is in accordance with his theory elsewhere, that wine which is not strong enough to be mixed with three parts of water is not

* The wines used in Palestine were so strong that they had to be mixed with water in order to make them fit to drink.

† At the benediction after meals a goblet possessing certain qualities and which is called a goblet of benediction must be used, as ordained in the Tract Benedictions.

considered wine at all. Said Abayi: "There are two objections to this: Firstly, there is a Mishna that wine fit to drink is such as has been mixed with two-thirds water, like the wine of Sharon; secondly, do you think that the water in the pitcher (intended for mixing with the wine) is counted in?" Rejoined Rabha: The first objection does not hold good, as Sharon wine is an exception, which although weak is nevertheless good; or it may be that there the particularity is the color, which is not changed by an addition of two-thirds; but concerning taste, I say that only one which can bear three-fourths of water is considered. As to the second objection, concerning water in the pitcher, it is also nothing as concerning Sabbath. The quality and not the quantity is considered, and the wine in question is of that quality.

There is a Boraitha that the prescribed quantity for the extract of wine is the size of an olive. So said R. Nathan. And R. Joseph said that R. Jehudah agrees with him in a Mishna, Tract Nidah (which will be translated there).

The rabbis taught: The prescribed quantity for animal milk is the equivalent of a mouthful; for human milk and the white of an egg, as much as is used for the preparation of a salve for a sore eye; when mixed with water, the prescribed quantity is as much as is used to bathe both eyes with.

"*Honey sufficient to cover a wound with.*" A Boraitha states: "Sufficient to cover the mouth of a wound with."

Said R. Jehudah in the name of Rabh: The Holy One, blessed be He, has created nothing useless in the world. He created the snail as a remedy for a sore, the fly for the sting of a wasp, the mosquito for the bite of a serpent, the serpent for the mange, and the lizard for the bite of a scorpion.

The rabbis taught: There are five terrors through which the strong succumb to the weak. The Maphgia terrorizes the lion,* the mosquito the elephant, the lizard the scorpion, the swallow the eagle, and the kilbith (a small fish) the whale. Said R. Jehudah in the name of Rabh: Is any similarity to be found in the Scripture? [Amos, v. 9]: "That causeth wasting to prevail against the strong."

R. Zera once met R. Jehudah standing at the door of his (R. Jehudah's) father-in-law in a very cheerful mood, and disposed to answer a whole world full of questions. He asked

* Maphgia is a species of insect, unknown to us at the present day, of which Rashi said that it was a small animal whose voice was so strong that when a lion hears it, he is afraid of it, taking it for a very great animal.

him: "What is the reason that (in a flock) the she-goats generally go ahead of the sheep?" And he answered: "In accordance with the Creation: At first darkness, then light" (she-goats are generally dark and lambs [or sheep] white). "Why are she-goats not covered with a tail?" asked the former again. And he answered: "Those who cover us are (in turn) covered, and those that do not cover us are not covered." (Because sheep provide us with wool, they are also provided with cover.) "Why has a camel a short tail?" "Because it feeds on thorns (in order that the thorns may not catch in its tail)."

And "Why has an ox a long tail?" "Because he grazes in plains and must protect himself from the gnats." "Why are the feelers of a locust soft?" "Because the locusts swarm in fields; were their feelers hard, the locusts would be blinded by losing them in knocking against trees, for Samuel said, all that is necessary to blind a locust is to tear off his feelers." "What is the reason that the lower eyelids of a hen are turned up (and cover the upper eyelids)?" "Because a hen soars to her roost and (in a house full of smoke) she might be blinded by the smoke from below."

The rabbis taught the following: "Three creatures grow stronger as they grow older, viz.: Fishes, serpents, and swine."

"*Oil sufficient to anoint a small limb with,*" *i.e.*, a little finger. At the school of R. Janai it was thus explained: "It means the smallest limb of a one-day-old infant." And the same was said by R. Simeon b. Elazar.

"*Water sufficient for a medical bath for the eyes.*" Said Abayi: Let us see! Of an article which is very often used for one purpose and seldom for another, the rabbis always leniently permitted the maximum quantity to be used, as the prescribed quantity, of the article much in use. Again, when an article is used alike for several purposes, the rabbis restrict the prescribed quantity to its minimum: (to be more explicit) wine is frequently used as a beverage and only at times as a medicament; hence the rabbis regard it solely as a beverage (and determine the maximum quantity); the same is the case with milk; honey, however, which is used to a greater extent as a medicine than for nutritive purposes, is regarded as a medicine and therefore restricted to the prescribed quantity for medicines (which is a smaller quantity than a beverage). What is the reason, then, that the rabbis restrict water, which is certainly more of a beverage than a medicament, to the minimum quantity? Rabha answered: They

hold with the opinion of Samuel, who declared that all liquids used as medicine for the eyes inflame and blind, except water, which soothes and does not blind (and in this case the Mishna has reference to one who carried about water on the Sabbath as a medicament for the eyes).

"*For all other liquids, the prescribed quantity is a quarter of a lug.*" The rabbis taught: For blood and all other liquids the prescribed quantity is a quarter of a lug. R. Simeon b. Elazar said the prescribed quantity for blood is as much as is used to apply to one eye; because that quantity is used when the eye is afflicted with a cataract.

All these prescribed quantities apply only to those who carry (the victuals or beverages) about. To those, however, who store them (the victuals or beverages) the carrying of even the least imaginable quantity is prohibited (because from his storing them we see that he considers them valuable); but R. Simeon says all these prescribed quantities apply to such as stored (victuals and beverages and hence considered them valuable); but as for persons who only carried them out, for all beverages (whether used also for medical purposes or not) if carried out in any quantities less than a quarter of a lug there is no culpability.

The former teacher said that "those prescribed quantities only refer to those who carry out," but to "those who store them the carrying of even the least imaginable quantity is prohibited." Is the one who stores not also a carrier (he is culpable for carrying and not for storing)?

Answered Abayi: The Boraitha treats of a case where a master ordered his retainer to clear off the table. If the retainer removed something of value to everybody from the table, it constituted a quantity which must not be carried about on the Sabbath. If the thing was of value only to the master and the retainer carried it out, he (the retainer) is culpable, in spite of the fact that the thing was of value to his master alone. (Hence he is called one who stores, and not a carrier) for it signifies that the thing is worth storing.

Again, the former teacher said: "And the sages agree with R. Simeon that the prescribed quantity of slops is a quarter of a lug." Of what use are slops? Said R. Jehudah: "To prepare mortar with." But were we not taught that the prescribed quantity for mortar is only as much as suffices to make the mouth of a bellows-pipe with? Aye, but for the purpose of preparing mortar, a man would not trouble himself to carry out so small

a quantity as is sufficient to make a mouth of a bellows-pipe, hence a quarter of a lug would be the least that would be carried out to make mortar with.

MISHNA *II.*: The prescribed quantity for rope is as much as suffices to make a handle for a basket; for reeds, as much as suffices to hang a fine or coarse sieve thereon: R. Jehudah says: As much as is sufficient to take the measure of a child's shoe; for paper, as much as suffices to write a toll-bill on—a toll-bill itself must *not* be carried out; the prescribed quantity for paper that has been erased is as much as will wrap the top of a perfume bottle. The prescribed quantity for vellum is as much as suffices for the covering of an amulet; for parchment, as much as suffices for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel"; for ink, as much as is necessary for the writing of two letters (characters); for paint, as much as will paint one eye. The prescribed quantity for (bird) lime is as much as will suffice to put on a lime twig; for pitch or sulphur, as much as will cover a hole (in a quicksilver tube); for wax, as much as will fill up a small leakage (in a utensil); for loam, as much as suffices to make an orifice for a pair of bellows used by goldsmiths; R. Jehudah says the prescribed quantity for loam is as much as will make a stand for a goldsmith's crucible; for clay, as much as will cover the mouth of a goldsmith's crucible; for lime, as much as will cover the little finger of a maiden; R. Jehudah says for lime the prescribed quantity is as much as will cover the temple of a maiden; R. Nehemiah says as much as will cover the back part of a maiden's temple.

GEMARA: "*For paper, as much as suffices to write a toll-bill on.*" There is a Boraitha: "The legal size of a toll-bill is a piece of paper large enough to contain two letters." Is this not contradictory to the Boraitha which says that the carrying out of a piece of blank paper large enough for two letters of ordinary size to be written on makes one liable? Answered R. Shesheth: "The two letters referred to by the Mishna are the letters used by the toll-master (usually extra large letters). Rabha, however, said that the piece of paper referred to is large enough for two letters and has a margin by which it can be held.

The rabbis taught: If one carry out on the Sabbath an unpaid promissory note he is liable, but not so for a paid one. But R. Jehudah said: The same is the case with a paid-up note, for its value lies therein, that the owner may show it to a prospective creditor in order to prove promptness of former payments. What

is the point of their differing? Said R. Joseph: "They differ if it is allowed to preserve a paid note. According to the rabbis it is prohibited, and according to R. Jehudah it may be done.*

"*For vellum is as much as suffices to make a cover for an amulet.*" Rabha questioned R. Na'hman: "Of what size?" and the latter answered: "As we were taught in the Mishna, as much as will suffice to make a cover for an amulet." And what is the size in regard to tanning? The same quantity. And where do you take this from? From the Mishna farther on, that gives the same quantity for wool preparing to be woven and for already woven. The same is here as it is for tanning; the quantity is the same as if already tanned. (The further discussion is repeated in many places, and each is translated in its proper place.)

"*Parchment as much as suffices to write thereon the smallest portion,*" etc. Is this not a contradiction to the Boraitha which teaches that the prescribed quantity for parchment and double parchment (δο-ξέστος) is as much as suffices to write a Mezuzah (inscription on the door-posts) on? The Mezuzah mentioned in the Boraitha refers to the Mezuzah contained in the phylacteries. Does the Boraitha call phylacteries Mezuzah? Yea, it does elsewhere. But since the latter part of the Boraitha teaches explicitly that the prescribed quantity for parchment is as much as is required for writing the smallest portion of the phylacteries, which is "Hear, O Israel," is it not to be assumed that in the former part of the Boraitha a Mezuzah proper is meant? Read: What is the prescribed quantity for parchment and double parchment? For the latter as much as is required for the writing of a Mezuzah; and the former, for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel."

Rabh said: "Double parchment is the same as parchment. The same as we may write the portions of the phylacteries on parchment, so may we also write them on double parchment." Were we not taught "*parchment* sufficient," etc., which certainly does not mean double parchment? Nay, it is only a better observance to write on parchment than on double parchment.

"*For ink,*" etc. A Boraitha adds: The prescribed quantity for dry ink is as much as will suffice for the writing of two letters; for prepared ink as much as a quill or stub will require to write the two letters with. Said Rabha: For carrying out suffi-

* Abayi and Rabba also discuss the same note, but this is repeated in the Third Gate, in whose translation we are now engaged, and is, therefore, omitted here.

cient ink for two letters and writing the two letters while carrying the ink, one is culpable; for the writing is equivalent to depositing a thing in a place. But for carrying out sufficient ink for one letter only, and writing that letter while carrying the ink, afterward carrying out another quantity of ink sufficient for one letter and writing the other letter while carrying the ink, one is not culpable; for by the time the second letter was written (the ink of the first letter dried out and) the prescribed quantity of ink was not visible. Again Rabha said: For carrying out food to the size of one-half of a dried fig, laying it down, and then carrying out another quantity of like size (one is not culpable), for it is considered as if the first quantity had been consumed by fire. But why should it be thus considered? Is it not lying there yet? He means to say: If one picked up the first before he laid down the second, the first is to be considered as if consumed by fire, and hence one is not culpable.

"*For paint*," etc. Is it not a fact that people never dye one eye only? Said R. Huna: Modest women veil one eye and only paint the other. To this explanation some one objected, viz.: For paint as a remedy the prescribed quantity is as much as will dye one eye, said R. Simeon b. Elazar, but as a means for beautifying the prescribed quantity is as much as will dye two eyes. Hillel, the son of R. Samuel b. Nahmeni, explained it by saying that R. Simeon b. Elazar referred to country damsels who dye both eyes.

"*For bird lime as much as is sufficient to put on a lime twig.*" There is a Boraitha: As much as is sufficient to put on a twig for the purpose of catching birds.

"*For pitch and sulphur*," etc. A Boraitha states: Sufficient to fill up a hole in a quicksilver tube.

"*For loam*," etc. A Boraitha states: Sufficient to fill up the cracks in a small stove.

"*For clay*," etc. The rabbis taught: It is prohibited to carry out hair for the purpose of mixing it with clay used to cover a goldsmith's bellows-pipe with.

"*For lime*," etc. A Boraitha states: To cover the smallest finger of a damsel. Said R. Jehudah in the name of Rabh: Daughters of Israel, when they become of age, and they have not yet developed the signs of puberty, the poor smear their bodies with lime, the rich ones with fine meal, and princesses with myrrh oil. What is myrrh oil? στακτη. And R. Jeremiah b. Aba said: Olive oil from olives which were only one-

third ripe. There is a Boraitha: R. Jehudah said: It is called (in Menachoth) *anphiknun* (*ομφανιον*); and why do they anoint with this? Because it removes the hair and makes the complexion clear. R. Bibi had such a daughter and he anointed her with the same, each member of her body separately; and finally one of the prominent men paid him four hundred zuz and married her. He had a Gentile neighbor who also had such a daughter, and he anointed her whole body at one time, and she died; said he: "R. Bibi has murdered my daughter." Said R. Na'hman: "R. Bibi, who used to drink beer, his daughter needed the anointing, but our daughters do not need it, for we do not drink beer."

"*As much as is sufficient to cover*," etc. What is meant by Kalkub and Andiphi? Said Rabh: The temple, and the hair between it and the ear. Are we to understand from the Mishna that the prescribed quantity permitted by R. Jehudah is larger than that of the rabbis? Is it not a fact that the rabbis allow the larger prescribed quantity? Aye; R. Jehudah allows a larger quantity than R. Nehemiah, but still a smaller quantity than the rabbis. Or it is possible that an Andiphi means a forehead, from the following narration: "It happened that a Galilean once came to Babylon and was requested to lecture on metaphysics. The Galilean consented and began: I will interpret to you something in the style of R. Nehemiah. Meanwhile a wasp flew out of the wall, stung him on the Andiphi (forehead) and the Galilean died on the spot. It was said that he died a merited death."*

MISHNA *III.*: For sealing-wax the prescribed quantity is as much as is required for the sealing of a bale of goods, so is the decree of R. Aqiba; the sages, however, say for the sealing of a letter. For dung or fine sand as much as is required to fertilize (the soil around) a cabbage stalk, according to R. Aqiba, and to the sages as much as is required to fertilize (the soil around) a leek stalk. For coarse sand as much as is required to fill a trowel, for reed as much as is required to make a writing-pen from, or should it be thick or split, as much as is required to fry the softest beaten egg with, (which) mixed with oil, (lies) in a hot shell.

GEMARA: "*Sufficient to fill a trowel.*" A Boraitha states: (For coarse sand the prescribed quantity is) as much as is required

* A Mishna teaches elsewhere that it is a sin to lecture on metaphysics, outside of the university.

to fill the trowel of a plasterer. Who is the Tana that holds that sand is an improvement on plaster? Said R. Hisda: R. Jehudah of a Boraitha (Baba Bathra, 60*b*); Rabha, however, said it may be also in accordance with the rabbis, as they hold that the spoiling (of the whiteness) of the plaster (through the admixture of sand) is an improvement of its durability.

"*For reed as much as is required to make a writing-pen.*" A Boraitha teaches: A pen that reaches the joints of the fingers.

"*Or should it be thick.*" A Boraitha teaches: To fry a beaten egg mixed with oil. Said Mar b. Rabhina to his son: "Didst thou ever hear what is understood by the softest egg?" He answered that R. Shesheth said it was a hen's egg. Why does the Mishna call it a light (soft) egg? Because the sages found that no eggs are cooked as quickly as pullets' eggs. Why is it that all other prescribed quantities prohibited to be carried out on the Sabbath are of the size of a dried fig, and here the quantity is of the size of an egg? Answered R. Na'hman: "Even here is meant the quantity of a dried fig from an egg."

MISHNA *IV.*: The quantity of a bone is that large enough to be made into a spoon—R. Jehudah says large enough to be made into a key; glass of sufficient size to be used for scraping off the points of a weaver's spindles; a splinter or a stone large enough to throw at a bird—R. Elazar b. Jacob says to throw at an animal.

GEMARA: Is it to be understood from the Mishna that the prescribed quantity allowed by R. Jehudah is larger than that allowed by the rabbis? Is it not a fact that the rabbis allow the larger? Said Ulla: (R. Jehudah refers to) the tooth of a key.

"*Glass of sufficient size,*" etc. A Boraitha states: Sufficient glass to cut two threads at once.

"*A splinter,*" etc. Said R. Na'hman in the name of R. Johanan: "Provided it is large enough to hurt." But how large should it be? R. Elazar b. Jacob teaches in a Boraitha: The weight of ten zuz.

Zunin once entered the college and questioned the teachers. "What is the prescribed quantity for gravel used in privy for toilet purposes?" He was answered: "The equivalent in quantity to the size of an olive, a nut, or an egg." Said he: "It would then be necessary to carry along a scale." So they deliberated, and decided that the quantity should be a handful.

Rabba b. R. Shilla asked of R. Hisda: "Is it permitted to carry up gravel to the roof (for the purpose cited above, as it is

extra trouble, which is prohibited on the Sabbath)?" He answered: "Precious is the honor of man. For honor's sake, even a direct scriptural commandment may be circumvened!"

Said R. Johanan: It is forbidden to use fragments of earthenware for toilet purposes (after doing one's necessities) on the Sabbath. What is the reason? Is it to say because it is dangerous, then it should be forbidden also on week days; or is it to say because of witchcraft, it would also be prohibited on week days? What then is the reason? Is it because it may remove the hair (from the posterior)? Would this not be an act performed without intention (and work done unintentionally, he is of the opinion is permissible)? R. Nathan b. Ashia answered: A great man made the assertion; we have to find, therefore, a reason for it. There is no doubt whatever that fragments of earthenware are prohibited to be used on week days, when some other things can easily be obtained; but on Sabbath, if nothing else happens to be on hand, nor may be bought, the fragments might be considered as utensils; and, lest one might be inclined to think that for this reason they would be permitted to be used, he informs us that they are not. Can witchcraft be exercised through the agency of fragments? Aye; for the following proves it:

R. Hisda and Rabba b. R. Hana once travelled in a ship, and a matron who wanted to go on the same ship asked their permission to sit down near them, which they refused. She pronounced a certain word and the ship stood still, but they in turn pronounced a certain word and the ship moved on. She then said: "It grieves me sorely that I cannot inflict some punishment on you, seeing that you use no fragments for toilet purposes, nor do you kill the vermin in garments, nor do you pull out vegetables from a bundle (but cut the bundle first)." (Hence it may be seen that fragments can be used as a means for the exercise of witchcraft.)

R. Huna said to his son Rabba: Why do you not go more frequently to R. Hisda, who expounds the law so pointedly? Answered the son: "Of what use would it be? He never taught me but mere worldly knowledge, such as, for instance: Not to sit down to excrementize with a jerk nor to force myself too much, lest the intestines come out and endanger life." R. Huna then rejoined: "Thou sayest 'mere worldly knowledge.' He is interested in the life of the people, and you call it mere worldly knowledge. So much the more should you go to him."

R. Hisda and Rabhina differ as to the consequences of one withholding to perform his necessities. One is of the opinion that foul breath is the result, while the other holds that the entire body assumes a bad odor. The opinion of the latter is supported by the following Boraitha: "He who takes nourishment while in need of performing his necessities is compared to a stove in which a fire was built without previously removing the ashes, which is invariably the cause of a bad smell. One who feels like performing his necessities, but cannot do so, R. Hisḍa advises that he keep on sitting down and getting up until able. R. Hanan from Neherdai advises him to look for another place, but the rabbis say the sole remedy is to think of nothing else."

The rabbis taught: One who is about to eat a hearty meal should walk ten times four ells or four times ten ells, then perform a (natural) necessity, and after that go in and sit down to the meal.

MISHNA *V.*: The prescribed quantity of fragments (of earthenware) is the size of such as are placed between two boards, is the decree of R. Jehudah. R. Meir says, of a size sufficient to stir a fire with. R. Jossi, of a size to receive (hold) a quarter of a lug. Said R. Meir: Although no positive proof for my assertion can be found in the Scripture, still a vague reference can be deduced from the passage [Isaiah, xxx. 14]: "So that there cannot be found among their fragments a sherd to rake fire from a hearth." Said R. Jossi: "Therefrom you would adduce your proof? It says immediately after that [ibid., ibid.], 'and to draw water from a pit.'"

GEMARA: We must assume that the prescribed quantity allowed by R. Jossi is larger than that allowed by R. Meir; but the scriptural text shows that R. Meir allows the larger; because, is it possible that the prophet will curse them with a larger object after having cursed them with a smaller? Said Abayi: R. Meir also means a fragment used to stir a big fire with; hence his fragment is larger than R. Jossi's.

"*Said R. Jossi,*" etc. Is not R. Jossi's answer correct? What could R. Meir rejoin? R. Meir might say that the prophet intends to convey that not only shall they not have anything of the least value left, but they shall not even have anything that is as valueless as a piece of fragment big enough to contain a drop of water.

CHAPTER IX.

RABBI AQIBA'S REGULATIONS ON DIFFERENT SUBJECTS.

MISHNA *I.*: R. Aqiba said: Whence do we deduce that one who carries an idol is as unclean (ritually) as a woman suffering from menstruation? From the passage [Isaiah, xxx. 23]: "Thou wilt cast them away as a filthy thing.* 'Get thee hence!' wilt thou say unto them." Thus, in the same manner as a woman suffering from menstruation causes (ritual) uncleanness, so does also an idol.

GEMARA: Rabba said: The passage mentioned in the Mishna should be interpreted thus: "Estrange† them from thyself as a stranger; Get thee hence, say unto him, but tell him not to come in!" Further Rabba said: It is unanimously conceded that the carrying of idols causes (ritual) uncleanness and hence it is compared to menstruation, but there is a dissenting opinion among the rabbis concerning a stone (used as a pedestal for an idol or upon which a woman suffering from menstruation chanced to sit) beneath which there were utensils. R. Aqiba holds that idols are regarded the same as menstruating women and the vessels beneath the stone become defiled (for the reason that the stone is the basis of the idol, and the former becomes part of the idol, and hence everything beneath it becomes defiled), but the rabbis regard an idol as a reptile, *i.e.*, as a reptile lying upon a large stone (in which case any utensils chancing to be beneath the stone do not become defiled). This decree is unanimously conceded.

R. Ahadbou b. Ami asked: What about an idol smaller in size than an olive? R. Joseph objected to this question: What is the purpose of the query? Does it refer to the prohibition of idolatry? Even an idol the size of a fly, like the idol of the

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* The Hebrew term used for "filthy thing" in the passage is "Davah," and in Leviticus, xx. 18, Davah is translated, "a woman suffering from her separation (menstruation)."

† The word "Tizrom" (cast them away) Rabba holds to be a derivation from the word "Zar" (strange) and not from "Zarah" (cast away).

Ekronites, which was called Zebub* (fly) is also prohibited; for we are taught it is written in the passage [Judges, viii. 33]: "And they made themselves Baal-berith for a god"; by Baal-berith is meant the Zebub (fly) idol of Ekron, and every idolater (at that time) made an image of his idol in miniature in order to keep it constantly at hand and to be able at any time to take it out, embrace, and kiss it; hence there is no question as to size. Nay, the query of R. Ahadbou is in regard to causing defilement? Either it is regarded as a reptile and defiles, even if only of the size of a lentil, or it is considered as a corpse and causes defilement if it is the size of an olive. (A part of a corpse the size of an olive causes the person touching it to become defiled.) Answered R. Ivia, and according to others Rabba b. Ulla: "Come and hear the following Boraitha: 'No defilement is caused by idols smaller than olives, for it is written [II Kings, xxiii. 6]: "And cast its powder upon the graves of the children of the people."'" (The adduction is) that as a corpse cannot cause defilement by a part less than the size of an olive, the same is the case with idols, which are regarded as corpses.

MISHNA *II.*: (R. Aqiba says again:) Whence the adduction that a ship, though a wooden vessel, is not subject to defilement? From the passage [Prov. xxx. 19]: "The way of a ship is in the heart of the sea."

GEMARA: It is certain† that R. Aqiba intends to convey to us that the reason the passage cited in the above Mishna informs us of a fact known to all is because the sense is to be construed thus: In the same manner as the sea is not subject to defilement, so also a ship can never become defiled.

There is a Boraitha: Hananyah said: We make the adduction from a sack (which is subject to defilement) that everything which can be carried after the manner of a sack, sometimes full and at other times empty, is subject to defilement, except a ship, which cannot be carried at all, full or empty. What are the points of difference in the two adductions (of R. Aqiba and Hananyah)? They are concerning a small (river) boat. One holds that all boats (ships) must be regarded as the sea itself (hence not subject to defilement), while the other is of the opinion that a small (river) boat must be regarded as a sack because it is

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*See II Kings, i. 2.

† The term "it is certain" (peshitah) is generally used by the Gemara in the sense of the question, "Is it not self-evident?" In the above case, however, it is intended for an explanation of the reason for R. Aqiba's adduction. See Rashi.

carried to the place whence it is launched and hence is subject to defilement; as R. Hanina b. Aqa'bbia said: Why did the rabbis say that a small (river) boat is subject to defilement? Because it is usually loaded in the dry dock and then carried into the river.

Rabbi Johanan in the name of Rabbi said: "One should not absent himself from the college even for one hour. Behold, this teaching (concerning a river boat) has been taught in the schools for many years and no one knew the reason for it until R. Hanina b. Aqa'bbia came and explained it."

R. Jonathan said: One should never absent himself from the house of learning or abstain from learning the law, even when at the point of death, for it is written [Num. xix. 14]: "This is the law, when a man dieth in his tent"; (*i.e.*) even at the point of death man must occupy himself with the study of the law. Resh Lakish, however, adduces from the same verse that one does not retain (in memory) the law, unless he is ready to die for it.

MISHNA *III.*: (R. Aqiba said:) Whence do we adduce that in a patch of ground six spans long by six spans wide five different kinds of seed may be planted—one kind each in each of the four corners and one in the centre of the patch? From the passage [Isaiah, lxi. 11]: "For as the earth bringeth forth her growth, and as a garden causeth what is sown therein to spring forth." (We see then) it is not written "as a garden causeth *its seed* to spring forth," but *what is sown therein.*

GEMARA: How is this to be understood from that passage? Said R. Jehudah: The passage cited in the above Mishna is to be thus explained: "The earth *bringeth forth* her growth." "Bringeth forth" (which is in the singular) can be counted for "one" (kind of seed). Her "growth" (also singular) can also be counted for "one." (Now we have two.) "What is grown therein" (evidently plural) can be counted for two more (making four), and "to spring forth" (in the singular again) can be counted as one, making five in all; and (as far as the six spans square are concerned) the rabbis are quite certain (through tradition) that five different kinds of seed in a patch six spans square do not interfere with one another. But whence do we know that the assurance of the rabbis can be depended upon? Answered R. Hyya b. Aba in the name of R. Johanan, from the passage [Deut. xix. 14]: "Thou shalt not remove the landmark of thy neighbor, which they of old time have set," which is to be explained: "Thou shalt not go beyond what is limited by those

of old." But what have those of old limited? Answered R. Samuel bar Na'hmeni in the name of R. Jonathan: "It is written [Gen. xxxvi. 20]: "These are the sons of Seir the Chorite, who inhabited the land." Only they inhabited the land? Did the rest of mankind inhabit heaven? It simply means to state that they made the earth inhabitable by their knowledge of agriculture and their experience as to what ground is adapted for the planting of olive trees, vines, date trees, etc.

R. Assi said: "The teaching of R. Aqiba in the Mishna refers to a patch of ground six spans square, excluding the corners."

Rabh said: "The above Mishna has reference only to an isolated patch (or furrow) of ground, but in a furrow surrounded by others one can *not* sow five kinds of grain, (as it is necessary to have a space of three spans dividing one kind from the other). Are there not corners, however, (to the furrow)?" The school of Rabh explained, in the name of Rabh, that reference is made to furrows into the corners of which grain had been sown.

Samuel, however, said, even in a furrow surrounded by other furrows. But will not the seeds interfere one with another? Samuel refers to furrows which are planted alternately from north to east and from south to west.*

MISHNA *IV.*: (R. Aqiba says again): Whence the adduction that a woman, from whom seed of copulation † escapes only on the third day (after lying with her husband), is unclean? From the passage [Exodus, xix. 15]: "And he said unto the people, Be ready against the third day. Approach not unto a woman." Whence the adduction that a child may be bathed on the third day of its circumcision, even if that day fall on a Sabbath? From the passage [Gen. xxxiv. 25]: "And it came to pass on the third day, when they were sore." Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away?‡ From the passage [Isaiah, i. 18]: "Though they should be red like crimson, they shall become (white) like wool." Whence do we adduce that anointing one's self on the Day of Atonement is equal to drinking? Although no positive proof is apparent, still a reference

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* Rashi declares this to be the best possible explanation of Samuel's opinion, and says that many others offered many different explanations, none of which are comprehensible.

† See Leviticus, xv. 16, 17, 18, and ibid. xxii. 4.

‡ See Lev. xvi. 21.

can be adduced from the passage [Psalms, cix. 18]: "And it cometh like water on his body and oil into his bones."

GEMARA: The first part of the Mishna (treating of a woman) is not in accordance with the opinion of R. Elazar b. Azaryah, who declares her (the woman) clean in that case; the second part of the Mishna, however, (treating of bathing on the third day after circumcision) is in direct accord with his own words (as will be seen in Chapter XIX.). Therefore some rabbis claim that the first part of the Mishna reads clean instead of unclean, *i.e.*, that the whole Mishna is according to the opinion of R. Elazar b. Azaryah, but other rabbis claim that the first part of the Mishna is according to the opinion of other Tanaim, who differ with Elazar b. Azaryah (and the word unclean is correct).

"*And they shall be ready against the third day*" [Ex. xix. 11]. R. Ada b. Ahbha said: "Moses went up (to the Mount Sinai) at daybreak, and descended the following break of day." He went up at break of day, as it is written [Ex. xxxiv. 4]: "And Moses rose up early in the morning and went up unto Mount Sinai." He descended on the following daybreak, as it is written [ibid. xix. 24]: "Go, get thee *down*, and then shalt thou come *up*, thou, and Aaron with thee." We see that the Scripture compares the descending to the ascending, and as the ascending was early in the morning, so was also the descending early in the morning.

The rabbis taught: The decalogue was given to Israel on the sixth day of the (third) month, but R. Jossi said on the seventh day.

Said Rabba: All agree that on the first day of the (third) month the Israelites arrived at the wilderness of Sinai. It is adduced from the analogy of the word "this"; [Ex. xix. 1] "on *this* day they arrived at the wilderness of Sinai," and [Ex. xii. 2] "*this* month to be to you the first of months." As in the latter instance the "this" referred to the first, so does it also in the former; furthermore (he said), all agree that the law was given to Israel on a Sabbath; this is to be adduced from the analogy of the word "remember" [Ex. xx. 8]: "*Remember* the Sabbath day to keep it holy"; and [ibid. iii. 3]: "*Remember* this day on which ye came out from Egypt." As in the latter instance the very day of their coming out of Egypt is referred to, so is it also in the former instance. Where the rabbis do differ is what day was the first of the month. R. Jossi holds

that the first of the month was set on the first of the week, and on that day no commandments were given, because the children of Israel were tired from their long journey. On the second day (of the week) the Lord said to them: "Ye shall be unto me a kingdom of priests" [Ex. xix. 1]. On the third of the week he commanded them to keep away from the mountain. On the fourth to separate themselves from their wives. The rabbis, however, hold that the first of the month was set on the second of the week; that on that day nothing was commanded the Israelites, they being tired; on the third the cited passage [Ex. xix. 1] was said; on the fourth day they were to keep away from the mountain, and on the fifth to separate themselves from their wives.

An objection was raised: It is written [Ex. xix. 10]: "Go unto the people, and sanctify them to-day and to-morrow." Is this not contradictory to the statement of R. Jossi (in whose opinion the sanctification lasted three days)? R. Jossi may explain this thus: "Moses added one day upon his own authority," as we have learned in a Boraitha: "Three things were done by Moses upon his own authority, and the Holy One, blessed be He, agreed thereto. They are: He added one day (to the period of sanctification), he separated himself from a woman, and he broke the tablets into pieces." "He added one day upon his own authority." What was his object? The Lord said unto him: "To-day and to-morrow," and he construed the words as follows: "To-day must be equal (in duration) to to-morrow; as to-morrow includes the night, so must to-day; the night, however, having already passed, another day must be added in order to make up for the lost night." Whence do we know that the Lord agreed to this? Because the Shekhina did not appear on Mount Sinai until the Sabbath morn. What was the object of Moses in separating himself from a woman? He applied the order given the Israelites (to separate themselves from their wives) to himself in a so much larger degree (*i.e.*, the order having been issued to the Israelites for the reason that they would shortly hear the word of the Lord, it would be so much more proper for him, who frequently was spoken to by the Lord, to separate himself *entirely* from a woman). And whence do we know that the Lord agreed to this also? It is written [Deut. v. 27 and 28]: "Go, say to them, Return you unto your tents. But as for thee, remain thou here by me." And what was his object in breaking the tablets? He thought: "As concerning the

Passover sacrifice, which is only one of the six hundred and thirteen commandments, it is written [Ex. xii. 43]: 'No stranger shall eat thereof,' how can I give the tablets, which contain all the commandments, to the children of Israel, who are now all renegades?" And whence do we know that the Holy One, blessed be He, agreed even to this? It is written [Ex. xxxiv. 1]: "And the Lord said unto Moses, Hew thyself two tables of stone like unto the first; and I will write upon these tables the words which were on the first tables which thou didst break." Said Resh Lakish: "'Which thou didst break' really means, 'which thou didst break rightfully.'"

Another objection was raised: It is written [Ex. xix. 11]: "And they shall be ready against the third day." According to R. Jossi it should be the fourth day. This is no objection! as it is said above that Moses added another day upon his own authority. Come and hear another objection: "The sixth means the sixth of the week and of the month." Is this not contradictory to the statement of the rabbis, who say: "The first of the month was the second day of the week?" Yea, (it may be that) this Boraitha holds to the opinion of R. Jossi.

Come and hear: On the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice and on the fifteenth day they went out. On the night before that the first-born of the Egyptians were beaten. That day (the fifteenth) was the fifth of the week. Now, if the fifteenth of Nissan was the fifth of the week, we must certainly say that the first of the next month (Iar) was Sabbath and the first day of the following month (Sivan) was the first day of the week. Is this not contradictory to the statement of the rabbis, that the first day of the month was the second day of the week? The rabbis might have assumed that the month of Iar was an intercalary month.

Said R. Habibi of 'Huzunah to R. Ashi: Come and hear: It is written [Ex. xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up," and a Boraitha teaches that this day was crowned tenfold, viz.: "That day was the first of the six days of the creation; the first of the days on which the first prince presented his offering before the altar; the first of the days on which the priests (Aaron and sons) did their work in the sanctuary; the first day on which the children of Israel brought their sacrifices into the tabernacle; the first of the days

on which the heavenly fire descended upon the altar; the first of the days on which the priests were permitted to eat the sacrifices in the tabernacle; the first of the days on which the Shekhina appeared in the tabernacle; the first day on which Aaron the High Priest blessed the Israelites in the tabernacle; the first of the days on which sacrifices were no more permitted to be brought on the high places outside of the tabernacle, and the first day of the first of the months." Now, if the first day of this year was the first day of the week, we must say the first of Nissan of the preceding year fell on the fourth day of the week, because we have learned in another Boraitha: "Anonymous teachers say that there can be not more than four days' difference between one New Year's day and another." If a leap year intervened, then there may be a difference of five days. Is this not contradictory to the opinion of both the rabbis and R. Jossi? According to R. Jossi there were seven short months (of twenty-nine days) in that year, but according to the rabbis there were eight such months, (consequently the difference from the last year was only in two days,) as this year was an extraordinary one. (And the first day of the month Iar of the last year was on Friday.)

Another objection was raised: We have learned in the Tract Seder Aulim that on the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice; on the fifteenth they went out, and that day was Friday. Now, if the first of the month of Nissan of that year was Friday, we must say that the first day of the following (Iar) month was on the first day of the week and the first of the succeeding month (Sivan) was on Monday. Is this not contradictory with R. Jossi? R. Jossi will then say that this Boraitha is in accordance with the opinion of the rabbis.

Come and hear another objection: R. Jossi says: "On the second day Moses went up on the Mount Sinai and came back. The same he did on the third day, but on the fourth day, when he came back, he remained." Came back and remained? Whence did he come back—it does not say that he went up at all? Say, then, on the fourth day he went up, came back, and remained. On the fifth he built an altar and offered a sacrifice. On the sixth he had no time. Shall we assume that he had no time because on that day the Israelites received the Torah? (If we say that the second refers to the second day of the week,

it must be a fact that the Torah was given on Friday, and would this not be a contradiction to his [R. Jossi's] own opinion?) Nay; he had no time because the Sabbath was at hand.

A Galilean lectured in the presence of R. Hisda: Praised be the merciful God, who gave a triple law (the Pentateuch, Prophets, and Hagiographa) to a triple people (Kahanites, Levites, and Israelites) through a man who was the third child of his parents (Miriam, Aaron, and Moses), on the third day of sanctification and in the third month. We see from this that the Galilean held in accordance with the teachings of the rabbis.

It is written [Ex. xix. 17]: "And they placed themselves at the foot of the mount." Said R. Abhdimi b. Hama b. Hassa: "It appears from this passage that the Holy One, blessed be He, inclined the mountain toward the children of Israel and gave them the choice of either accepting the Torah or being buried right under the mountain." Said R. Aha b. Jacob: "This would accord us the right to protest against any punishment inflicted upon us for violating the law. (For we were compelled to accept it.)" Said Rabha: Although (at that time they were compelled to accept it), at the time of Ahasuerus (King of Persia) they accepted it voluntarily. For it is written [Esther, ix. 27]: "The Jews confirmed it as a duty, and took upon themselves and upon their seed." And it is to be explained: "They took upon themselves voluntarily what at one time they were compelled to accept." R. Simai lectured: "At that time, when Israel answered to the information of Moses, 'We will do and we will obey,' six hundred thousand angels had furnished to every one of Israel two crowns: one for the answer 'We will do,' and one for the answer 'We will obey.' Thereafter when Israel sinned (with the Golden Calf) twelve hundred thousand destroying angels descended and took them away; as it is written [Exodus, xxxiii. 6]: 'The children of Israel then stripped themselves of their ornaments (they wore) from (the time they were at) Mount Horeb.'" Said R. Hami b. R. Hanina: "For in the same passage it may be deduced that in the same place where they were furnished they were taken away from them." Said R. Johanan: All of them were given as a reward to Moses, as immediately after the verse cited it is written: "And Moses took the tent," etc. Said Resh Lakish: We hope, however, that the Holy One, blessed be He, will return them to us, as it is written [Isaiah, xxxv. 10]: "And the ransomed of the Lord shall return, and come to Zion with song, with everlasting joy upon their

head." The expression everlasting means that it was already upon their heads at the time of reception of the Torah.

R. Elazar said: At the time the Israelites said "We will do" and afterward "We will obey" a heavenly voice (Bath-kol) was heard, which said unto them: "Who unfolded unto my children this mystery known only to the angels?" For it is written [Psalms, ciii. 20]: "Bless the Lord, ye his angels, mighty in strength, that execute his word, hearkening unto the voice of his word," and from this we see that only angels can execute first and then obey.

A Sadducee once noticed Rabha studying and observed that he in his absent-mindedness held his (Rabha's) finger underneath his knee and pressed it so hard that blood spurted from the finger. Said the Sadducee* to him: "Impetuous people, whose mouths precede your ears! Ye are still of the same vehemence! Ye must first hear the Torah before you accept it and not accept without knowing its prescriptions!" Answered Rabha: We who are upright men trusted Him, as it is said of us [Proverbs, xi. 3]: "The integrity of the upright guideth them," but to those men who are continually fault-finding the latter part of the same verse [ibid., ibid.] can be applied, viz.: "But the cunning of the treacherous destroyeth them."

R. Samuel b. Na'hmeni in the name of R. Jonathan said: It is written [Solomon's Song, iv. 9]: 'Thou hast ravished my heart, O my sister, (my) bride! thou hast ravished my heart with one of thy eyes." This means: When thou didst but receive the Torah, it was with one of thy eyes. When thou wilt obey it, it will be with both of thy eyes.

R. Johanan said: It is written [Psalms, lxviii. 12]: "The Lord gave (happy) tidings; they are published by female messengers, a numerous host." This implies that every word emanating from the mighty God was heralded in seventy languages. The school of R. Ishmael, however, (adduced the same from another passage): It is written [Jeremiah, xxiii. 29]: "Is not thus my word like the fire? saith the Lord, and like a hammer that shivereth the rock?" As the hammer that strikes emits a multitude of sparks, so is every word emanating from the Holy One, blessed be He, heralded in seventy different languages.

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* It is not meant a real Sadducee, as they did not yet exist in Rabha's time, but one of the other sects which opposed the oral law; and the name may be here a correction of the censor instead of *Akum*, as there are many such corrections of the censor. It may also be another sect for which the name Sadducee was borrowed.

R. Hananel b. Papa said: It is written [Proverbs, viii. 6]: "Hear! for of noble things will I speak." Why are the words of the Torah compared to a noble? To inform us that inasmuch as a noble has in his power the disposal over life and death, so have also the words of the Torah. This is similar to what Rabha said: To those who walk in the right ways of the law, it is an elixir of life, but to those who pursue not the right way, it is the poison of death.

R. Jehoshua b. Levi said: It is written [Solomon's Song, i. 12]: "A bundle of myrrh is my friend unto me, that resteth on my bosom." Said the Congregation of Israel: "Lord of the Universe! Although my friend chastiseth* me, still he resteth on my bosom!"

The same rabbi said: "It is written [Solomon's Song, v. 13]: "His cheeks are as a bed of spices, as turrets of sweet perfumes." Every word emanating from the Holy One, blessed be He, fills the whole world with the aroma of spices. If the world was filled with the aroma arising from the first word, where could the second word go? The Holy One, blessed be He, sent forth a wind from His store, which cleared off the aroma of each word, as it is written [ibid.]: "His lips like lilies, dropping with fluid myrrh." Do not read Shoshanim (lilies) but Sheshonim (learned men). The same said again that from each word which came from the Holy One, blessed be He, the soul of Israel was going out, as it is written [ibid., ibid. 6]: "My soul had failed me while he was speaking." But the Holy One, blessed be He, has let down the dew with which He will in the future make the resurrection and bring them to life; as it is written [Psalms, lxviii. 10]: "Rain of beneficence didst thou pour down, O God!"

He also said: When Moses ascended into Heaven, said the angels before the Holy One, blessed be He, "Lord of the Universe! What has one born of a woman to do among us?"

The Lord answered: "He came to receive the Torah." Said the angels again: "Wouldst Thou give a precious thing that Thou hast preserved since nine hundred and seventy-four generations before the creation of the world to a being of flesh and blood? (It is written [Psalms, viii. 5]): What is the mortal, that thou rememberest him? and the son of man, that thou thinkest of him?" Said the Holy One, blessed be He, unto

*The Hebrew term for bundle is Tzror, and for oppressor is Tzoror; hence R. Johanan interprets Tzror as if it were Tzoror.

Moses: "Give thou them an answer!" Answered Moses before the Lord: "Lord of the Universe! What is written in the law, which Thou gavest unto me?" [Ex. xx. 2]. "I am the Lord, thy God, who have brought thee out of the land of Egypt." Moses then said to the angels: Were ye in Egypt? Have ye served Pharaoh? Of what use can the Torah be unto you? Further, what is written in the Torah [ibid. 3]: "Thou shalt have no other gods before me." Are ye among the nations that worship idols? And furthermore, what is written in the Torah? [ibid. 8]: "Remember the Sabbath day to keep it holy." Do ye any labor on the week-days? [Ibid. 7]: "Thou shalt not take the name of the Lord thy God in vain." Are ye merchants, that ye must swear? [Ibid. 13]: "Honor thy father and thy mother." Have ye fathers and mothers to honor? [Ibid. 12]: "Thou shalt not kill," etc. Is there any jealousy among you? Have ye any evil intent?

Then the angels confessed and praised the Holy One, blessed be He, as it is written [Psalms, viii. 10]: "O Eternal One, our Lord, how excellent is thy name on all the earth!" but the ending of the verse [ibid. 2], "Thou who hast set thy majesty above the heavens," is not cited in this verse. Then every one of the angels befriended Moses and each of them disclosed some mystery to him, as it is written [Psalms, lxviii. 19]: "Thou didst ascend on high, lead away captives, receive gifts among men," which means that because at first the angels called Moses one born of a woman (man), they at the close gave him gifts, and even the Angel of Death disclosed a mystery to him, as it is written [Num. xvii. 12 and 13]: "And he put on the incense, and made an atonement for the people. And he stood between the dead and the living." Now if the Angel of Death had not disclosed unto Moses this mystery, how could he have imparted it to Aaron?

Said R. Jehoshua b. Levi again: When Moses descended from Heaven, Satan came before the Holy One, blessed be He, and said: "Lord of the universe! Where is the Torah?" And the Lord answered: "I have given it to the earth." Satan descended to earth and said to it: "Where is the Torah?" And the earth answered [Job, xxviii. 23]: "God (alone) understandeth her way, and he knoweth her place." Satan then went to the sea, and the sea said: "She is not with me." He then went to the deep, and the deep answered: "Not in me is she," as it is written [ibid. 14]: "The deep saith, Not in me is she;

and the sea saith, She is not with me." [Ibid. 22]: "Perdition and death say: With our ears have we heard a report of her." Satan then ascended before the Holy One, blessed be He, and said: "Lord of the Universe! I have looked for the Torah on the whole earth and could not find it." Then said the Lord unto him: "Go unto the son of Amram." And Satan went to Moses and said to him: "Where is the Torah which the Holy One, blessed be He, gave unto thee?" And Moses answered: "Who am I, that the Holy One, blessed be He, should give me the Torah?" Said the Lord unto Moses: "Moses, art thou a liar?" Said Moses before the Lord: "Lord of the Universe! Shall I claim that Thou hast given unto me a precious thing which Thou didst fondle every day?" Said the Holy One, blessed be He, unto Moses: "Because thou hast humbled thyself, the Torah shall bear thy name," as it is written [Malachi, iii. 22]: "Remember ye the law of Moses my servant."

The same rabbi said again: When Moses ascended unto Heaven (and he was silent), the Lord said unto him: "Moses, is there no peace in thy city?" And Moses answered: "Is it then proper that a slave should salute his Master?" Said the Lord: "Still thou shouldst have wished me well." Then said Moses before the Lord [Numbers, xiv. 17]: "And now, I beseech thee, let the greatness of the power of the Lord be made manifest as thou hast spoken."

"*A string of crimson wool*," etc. Did not the passage say (Kashanim)* "like years" and not like crimson, for were it like crimson it would read Kashani? Said R. Itz'hak: "The passage is thus to be explained: The Lord said unto Israel: If your sins all lie before me as the years that have passed since the creation, they shall nevertheless become white as snow."

Rabha lectured: It is written [Isaiah, i. 18]: "Go now,† and let us reason together, said the Lord." It should not read "go now" but "come now," and not "saith the Lord" but "said the Lord." The passage should be explained: In the future the Lord will say unto Israel: Go to your ancestors and they shall rebuke you; and Israel will say before the Lord: Lord of the

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* *Shanah* in Hebrew means year (*Shanim*, plural, years). *Shany* means crimson, but the latter is used only once (Prov. xxxi. 21) in plural; the former, however, is generally used in plural, as, *for many years*. As here it is in plural (*Kashanim*) he declares it *like years*.

† In Isaac Leeser's translation of the Bible, which we use in Biblical citations, this passage is rendered "Come now," but the literal translation is "Go now."

Universe, to whom shall we go? Shall we go to Abraham, to whom Thou hast said: "Know of a surety that thy seed shall be a stranger in a land which is not theirs, and they will make them serve," and he did not pray for us? Shall we go to Isaac, who, when blessing Esau, said [Gen. xxvii. 40]: "And it shall come to pass that when thou shalt have the dominion thou canst break his yoke from off thy neck," and he also did not pray for us? Shall we go to Jacob, to whom Thou didst say [Gen. xlvi. 4]: "I will go down with thee into Egypt," and not even he prayed for us? To whom shall we go now? Then the Lord will say unto Israel: "Inasmuch as ye have attached yourselves to me, though your sins should be as scarlet, they shall become white as snow."

Said R. Samuel b. Na'hmeni in the name of R. Jonathan: It is written [Isaiah, lxiii. 16]: "For Thou art our Father; for Abraham knoweth nothing of us, and Israel recognizeth us not; Thou, O Lord, art our Father, our Redeemer from everlasting is thy name." In the future the Holy One, blessed be He, will say to Abraham: "Thy children have sinned before me," and Abraham will answer: "Let them be wiped off (the face of the earth) for the sake of the holiness of Thy name." The Holy One, blessed be He, will then say: "I shall tell this to Jacob, who had trouble in rearing his own children; perhaps he will pay for the present generation." The Lord said to Jacob: "Thy children have sinned before me," and Jacob gave the same reply as Abraham. Then said the Lord: "Not with the aged can feeling be found, nor with the young wise counsel." The Lord then said to Isaac: "Thy children have sinned before me." Then said Isaac before the Lord: "Creator of the universe! Thou sayest my children, are they not Thine? When they answered before Thee, 'We will do,' and (then) 'obey,' Thou calledst them 'My son, my first-born,' and now they are my children and not Thine! And furthermore, how long a time have they sinned before Thee? Let us see; what is the duration of a man's life? Only seventy years. Take off the twenty years that Thou dost not punish for sin and only fifty remain. Take off the nights and only twenty-five full years remain. Deduct again twelve years and six months spent in praying, eating, and in the performance of other necessities, only twelve and one-half years remain. If Thou wilt bear the whole it is well, but if not let me bear half and Thou the other half. If Thou wilt say that I must bear the whole, did I not sacrifice myself for Thee?"

Then Israel said (unto Isaac): "For thou (alone) art our father." Said Isaac unto them: "Instead of praising me, praise ye the Holy One, blessed be He," and he pointed them on high with his finger. "There is the Lord!" Then they lifted up their eyes unto Heaven and said: Thou, O Lord, art our Father, our Redeemer from everlasting is Thy name.

R. Hyya b. Aba said in the name of R. Johanan: "Jacob deserved to go down into Egypt in iron shackles (because that is the usual way of going into exile), but his merits precluded such a thing, as it is written: "With human cords I ever drew them forward, with leading-strings of love; and I was to them as those that lift off the yoke from their jaws, and I held out unto them food" [Hosea, xi. 4].

MISHNA *V.*: The prescribed quantity for wood is as much as suffices to cook an (easily boiled) egg; for spices as much as would suffice to spice such an egg—and the different spices are counted together; nut-shells, pomegranate peel, isatis, and cochineal, as much as suffices to dye the edge of a small piece of cloth; alum, native carbonate of soda, Cimolia chalk, vegetable soap, as much as suffices to wash the edge of a small piece of cloth. R. Jehudah says as much as will suffice to remove a blood stain.

GEMARA: Have we not learned this already? Reeds, split, as much as will suffice to cook an egg? In that case we must assume that the reeds could not be used for any other purpose, but wood which can be put to a multitude of uses, as, for instance, to make the handle for a key, (should be limited to a smaller quantity). He comes to teach us that the same quantity also applies in this case.

"*Nut-shells*," etc. Is this not a contradiction to what we have learned elsewhere, that dyes may not be carried in quantities sufficient to exhibit a sample of the color in the market? Said R. Na'hman in the name of Rabba b. Abuhu: "Because one will not take the trouble to make dye sufficient only for a sample."

"*Native carbonate*," etc. A Boraitha in addition to this states, that coming from Alexandria but not from Anphantrin.

"*Vegetable soap*" (Ashleg). Said Samuel: "I have inquired of a number of seafaring men and they have told me that the name for it is Ashalgoh; it is found in the shells of a pearl-oyster and it is extracted with iron needles."

MISHNA *VI.*: The prescribed quantity for (aromatic) pepper

(pimento) is the least possible amount; for tar it is the same; for different kinds of spices and metals it is also the same; for the stone and the earth of the altar, torn pieces of the scroll of laws or its cover, it is also the same, because such things are generally preserved by men. R. Jehudah said: The same quantity applies to everything pertaining to the worship of idols, because it is written [Deut. xiii. 18]: "And there shall not cleave to thy hand aught of the devoted things."

GEMARA: To what use can such a small quantity of pepper be put? It may be used by one whose breath is foul.

"*For tar.*" For what purpose can tar in so small a quantity be used? It may be used by one who has the sickness Tzilchathah (an illness where only one-half of the head aches).

"*For different kinds of spices.*" The rabbis taught: The prescribed quantity both for aromatic spices as well as for ill smelling oils is the same (least possible quantity); for purple dye also the same, and for roses only one rosebud.

"*And metals.*" Of what use are they? We have learned, R. Simon b. Elazar said: They can be used to make a goad.

"*The torn pieces of the scroll of laws.*" Said R. Jehudah: Book-worms, silk-worms, vine-worms, date-worms, and pomegranate-worms are all dangerous to human life. There was a disciple sitting before R. Johanan eating dates, and the disciple said to him: "Rabbi, there are thorns in the dates." Said the rabbi: "The date-worm (Pah) has killed this man."

MISHNA *VII.*: One who carries the chest of a spice dealer is liable for one sin-offering only, although there may be many spices in the chest. The prescribed quantity for garden seeds is the equivalent in size to a dried fig. R. Jehudah b. Bathyra said: Five different seeds. The prescribed quantity for cucumber seeds are two, for pumpkin seeds the same, for Egyptian beans the same; a living locust (which may be eaten), be it ever so small, must not be carried, but dead locusts may be carried in quantities less than a dried fig. The prescribed quantity for vineyard birds* living or dead is the smallest possible quantity, because they were preserved for medicinal purposes. R. Jehudah said: One must not carry out a living locust, (which must *not* be eaten), be it ever so small, because such locusts were kept as playthings for small children.

GEMARA: "Cucumber seeds." The rabbis taught: The

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*None of the commentators can explain what kind of birds is meant.

prescribed quantity for seeds used for planting is two, but for seeds used for food it is the equivalent of a pig's mouthful. How much is a pig's mouthful? The seeds of one cucumber. For cucumber seeds used as fuel the prescribed quantity is as much as will suffice to cook an egg; for cucumber seeds used as counters (for figures) only two. Anonymous teachers say five.

The rabbis taught: One who carries two hairs from the tail of a horse or a cow is culpable, because the hairs are always preserved for making nets. The prescribed quantity for hog bristles is only one; for willows (used for wickerwork) two; for tree-bark * one strip.

"*R. Jehudah says: A locust* (*which must not be eaten*)," etc. Why did not the first Tana of the Mishna mention this? Because in his opinion it is forbidden to carry it even on week-days, lest one eat it. If such is the case, why should an eatable locust be allowed to be carried? Did not R. Kahana stand before Rabh and a small locust lighted on his lips: Rabh said to him. (R. Kahana), Take it away, lest people say that thou hast eaten it and thou hast violated the commandment [Leviticus, xi. 43]: "Ye shall not make yourselves abominable with any creeping thing that creepeth"? Nay; there was no fear that the locust would be eaten alive, but they apprehended lest it die and then be eaten. (An eatable locust would not matter, but an uneatable locust would be a violation of the law.) If that is the case, why does R. Jehudah permit this? R. Jehudah holds that there is no fear of the locust being eaten when dead, as the child will mourn its death.

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* Rashi declares in his commentary that he does not know what it is nor for what purpose it is used. See Aruch.

CHAPTER X.

FURTHER REGULATIONS CONCERNING THE PRESCRIBED QUANTITY OF THINGS TO BE STORED.

MISHNA *I.*: One who had stored anything for planting, sampling, or medicinal purposes (before the Sabbath) and carried some of it out (into public ground) on the Sabbath, be it ever so small a quantity, is liable for a sin-offering. Any one else, however, is culpable only then if (he carried out) the prescribed quantity. Even the one who had stored is culpable only for the prescribed quantity, if he brought the thing carried out by him back (to private ground).

GEMARA: For what purpose is it said in the Mishna, "One who stored anything"? Would it not be sufficient to say, "One who carried out things intended for planting, sampling, or medicinal purposes, be the quantity ever so small, is culpable"? Said Abayi: The Mishna treats of the case of a man who, after storing the thing, forgot for what purpose he had stored it, and then carried it out into the street for any purpose whatever. Lest one say that the original intention (to store it) is abolished, and now the thing carried out has for him only the same value as for others, and he would be culpable only for carrying out the regularly prescribed quantity, it comes to teach us that one who commits a deed executes his original intention.

R. Jehudah said in the name of Samuel: R. Meir declares one who carried out only a single wheat grain, intended for sowing, culpable. Is this not self-evident? The Mishna taught: "Be it ever so small." One might presume that the term "be it ever so small" denotes something smaller than a dried fig but not smaller than an olive. R. Meir therefore informs us (that it refers even to one wheat grain). R. Itz'hak, the son of R. Jehudah, opposed this: "(We see that) the Mishna declares one culpable for an act originally intended to be performed, but now, supposing a man intended to carry out his entire household at once; is he then not culpable until he had accomplished the entire task, even if he had carried out part of it?" The answer

was: If a man has an absurd intention it is abolished by the law, and he is culpable for carrying out the prescribed quantity.

"*Any one else, however,*" etc. Our Mishna is not in accordance with that of R. Simeon b. Elazar (on page 145).

Rabha in the name of R. Na'hman said: "If one carried out a thing the size of a dried fig with the intention of eating it, but changed his mind in the meantime and then intended to sow it, or, on the contrary, first intended to sow it and then to eat it, he is culpable. Is this not self-evident? The prescribed quantity for both eating and sowing was carried. Lest one say that the removing and the depositing of a thing must be done with the very same intention in order to make one culpable, which is not so in this case, he comes to teach us that *he is* culpable.

"*If he brought the thing,*" etc. Is this not self-evident? (for he did not sow it, we then see that his original intention is abolished). Said Abayi: "The Mishna speaks of a case where the man took the thing brought from his house, and threw it into the place where his full supply was kept, and the place where he threw it remained conspicuous. Lest one say, if the place is conspicuous, his original intention is not yet abolished, because he took the same thing again, it comes to teach us that the throwing of the thing among his other supplies annulled his original intention.

MISHNA *II.*: If one intended to carry out victuals and deposited them on the doorstep, whether he afterward carried them out (into the street) himself, or this was done by some one else, he is not culpable, because he did not accomplish the deed at one time. If one deposited a basket of fruit on the outside doorstep, even if the bulk of the fruit was on the outside (in the street), he is not culpable, unless he carried out the entire basket (into the street).

GEMARA: What kind of a doorstep does the Mishna have reference to? Should we assume that the doorstep was public ground, how can the man be not culpable? He carried out from private into public ground. Should we assume that the doorstep was private ground, why does the Mishna teach that if *he* carried it out (into the street), or any one else, he is not culpable? It is again a case of carrying out from private into public ground? We must therefore assume that the doorstep was unclaimed ground, and it comes to teach us that only when the victuals were deposited on the unclaimed ground the man is not culpable, but if they had been carried out from private

into public ground, even by way of unclaimed ground, he is culpable. And the Mishna does not agree with the opinion of Ben Azai, of the following Boraitha: "One who carries out from his store into the market by way of the alley is culpable, but Ben Azai says he is not."

"*If one deposited a basket of fruit,*" etc. Said Hyzkiyah: The case in question treats only of a basket filled with cucumbers and beets, but if full of mustard seeds he is culpable. From this we see that Hyzkiyah considers a vessel no support * (*i.e.*, the cucumbers are encircled by the basket and need no support), but the mustard seeds, which are heaped up, are outside of the basket proper and not supported by it; therefore, when the basket with mustard seeds is carried outside, part of the mustard seeds are already on the outside and the carrier is culpable. R. Johanan, however, says, even if the basket contained mustard seeds, he is also not culpable. Thence we see that R. Johanan *does* consider a vessel a support. Said R. Zera: "How is it with the Mishna? It is neither of the opinion of Hyzkiyah nor of R. Johanan." Hyzkiyah may explain it in accordance with his theory and R. Johanan with *his* own. Hyzkiyah explains the Mishna, which said "unless he carries out the entire basket." This is the case if the basket is filled with cucumbers and beets, but if filled with mustard seeds it is equal to putting out the entire basket into the street, and he is culpable, but R. Johanan explained the Mishna thus: Although the bulk of the fruit is on the outside, or even if all the fruit were on the outside, the man would not be culpable unless the entire basket was put on the outside. So also said Rabha: The Mishna treats only of a basket filled with cucumbers and beets, but if filled with mustard seeds the man is culpable. Whence we see that he does not consider a vessel a support. Abayi, however, said: Even if the basket contained mustard seeds, the man is also not culpable. Whence we see that he *does* consider a vessel a support. Shall we say that Abayi adopted the system of Rabha and Rabha of Abayi, or Abayi contradicts himself and Rabha does the same? As it was taught: One who carried out fruit into public ground, Abayi said, is culpable only if he carried it out with his hand (although the body remained in public ground), but if in a vessel he is not culpable. (Why? Because Abayi does not consider the body a support to the hand, in spite of the fact that the

* The Talmudical term for "support" is "Agad," literally "bind." In the above the sense demands its rendition by "support."

hand is attached to the body, but if he carried out the fruit in a vessel and part of the vessel still remained in private ground, he is not culpable.) And Rabha says, on the contrary: If he carried the fruit out in his hand he is not culpable (because he considers the body a support and the hand is part of the body), but if he carried it out in a vessel he is culpable (because, although the vessel is still in private ground, some of the fruit is in public ground). The answer is: Reverse the case. (Say Abayi's statement should be Rabha's and Rabha's Abayi's).

MISHNA *III.*: One who carries out anything in the right or in the left hand or in his bosom or on his shoulder is culpable, as so was the manner in which the sons of Kehath carried (their burdens).* But one who carries out a thing on the back of his hand or with his foot, with his mouth, with his elbow, with his ear, with his hair, with his waist bag, the opening of which is at the bottom, or between his belt and his shirt, with the edge of his shirt, with his shoe or sandal, is not culpable, because he carries it in an unusual manner.

GEMARA: R. Elazar said: "One who carries out a burden ten spans above the ground [not on his shoulder, but in the air] is culpable, because in this manner the sons of Kehath carried their burdens." Whence do we know that the sons of Kehath carried their burdens in this way? It is written [Numb. iii. 26]: "Which is by the tabernacle and by the altar round about." Hence he compares the tabernacle to the altar. As the tabernacle was ten ells, so was also the altar ten ells; and whence do we know that the tabernacle itself was ten ells? Because it is written [Ex. xxvi. 16]: "Ten ells shall be the length of the boards." Or we may say that we know that the sons of Kehath carried their burdens in this manner from the ark, as the Master said: The ark was nine spans high, and with the cover, which was one span higher, it was ten. Experience is to the effect that when a burden was carried on the shoulders by means of poles, one-third of the burden was above the poles and two-thirds below; then as the ark was ten spans high and one-third of it was carried above the shoulders, it was certainly more than ten spans above the ground.

But let it be inferred from Moses himself, of whom it is said elsewhere that he was very tall. With Moses the case is differ-

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* Numb. iv.

ent; as the Master said elsewhere that the Shekhina does not rest upon a man unless he is a scholar, a strong, rich, or tall man.

It was taught: One who carries a burden on his head is not culpable. And if one will say that the inhabitants of the city of Hutzal do so, we may assume that their deed is abolished by the rest of mankind, who do not carry burdens on their heads.

MISHNA *IV.*: One who intends to carry something in front, but the thing moved to his back, is not culpable, but if he intends to carry it on his back and it moves to the front he is. Of a truth it was said: A woman who wears a girdle, whether she carries something in the front or in the back of it, is culpable, because the girdle invariably turns around. R. Jehudah says the same rule applies to letter-carriers.

GEMARA: Where is the difference? The main object (here is the intention). And in either case his intention was not carried out; why is he not culpable if the thing moved from the front to the back and culpable if it moved from the back to the front? Said R. Elazar: "Divide the Mishna into two parts. The second part was not taught by the same Tana as the first." Said R. Ashi: "This is no question at all. Perhaps the Mishna may be explained thus: Not only did the man intend to carry it on his back and did so, which would make him culpable, because his intention was carried out, but even if he intended to carry it on his back and it moved to the front, in which case his intention was not carried out, lest one say that then he is not culpable, it comes to teach us that when one intends to preserve the thing with little safety, and it occurs that he has done so with a proper safety, he is benefited by it; hence he is culpable."

"*Of a truth it was said.*" There is a Boraitha: Wherever it is said "Of a truth it was said," it is to be considered that so the Halakha prevails.

"*R. Jehudah says the same rule applies to letter-carriers.*" A Boraitha in addition to it states that so it is because the carriers of the government usually do so.

MISHNA *V.*: One who carries out a large loaf of bread into public ground is culpable. If two persons do this together they are both innocent, provided it could be done by one of them; if, however, they did so because it could not be done by one, both are culpable. R. Simeon, however, declares them not culpable.

GEMARA: Said R. Jehudah in the name of Rabh, according to others Abayi said, and still others say that it was learned in a Boraitha: "If of both men who carried the loaf, either was able

to carry it himself, R. Meir makes them both culpable, but R. Jehudah and R. Simeon declare them both innocent. If, of the two, neither was able (to do it himself), R. Jehudah and R. Meir declare them culpable and R. Simeon declares them free. If one of the two, however, was able, and the other unable, all agree that the able man is culpable." Whence is all this deduced? From what the rabbis taught: It is written [Lev. iv. 2]: "If any person sin," etc., *i.e.*, if he committed the whole deed but not a part of it. How so? If two persons held one pitchfork and threw grain with it, or a weaver's spindle and wove with it, or a quill and wrote with it, or a reed and carried it into public ground, one might say that they are culpable. It is written [ibid.]: "If any person sin," etc. But if two persons held a date-press, or a log, and carried them out into public ground, R. Jehudah says, if one of the two was not able to carry it himself and they both carried it, they are both culpable, but if either of them was able, both are not culpable. R. Simeon says, even if one alone is not able to carry it and they carried it out together, they are also free. For only referring to such an instance the Scriptures say: "If *any* person," etc., and it is plain that one is culpable if he performs work alone, but if two persons did one thing they are both free.

The master said: If one of the two was able to perform the work alone and the other unable, all agree that he is culpable. Which of them was culpable? R. Hisda said, the one who was able. As to the one who was unable, why should he be so? What did he? Said R. Hamnuna to R. Hisda: "Why not? Did he not assist the one who was able? Answered R. Hisda: Assisting is not of consequence (because if he alone is not able to perform the work himself, his assistance is of no value). Said R. Zbid in the name of Rabha: "We have also learned in a Boraitha in support of this argument: If one suffering from a venereal disease rides an animal, the feet of which are encased in four pieces of cloth, the pieces of cloth are not subject to defilement, for the reason that the animal is able to stand on three feet." Why are they not subject to defilement? Was not one foot a help to the other three? Hence we must assume that one of the feet must be regarded as a help to the other three; a mere help, however, not having any legal consequence cannot become defiled, and as it is impossible to determine which one of the three feet is to be regarded as a help, all four pieces of cloth encasing them are not subject to defilement.

Again the master said: If either of the two were able, R.

Meir holds them both to be culpable. The schoolmen propounded a question: "Must the object carried out by them be of double the prescribed size, *i.e.*, a prescribed size for each of them, in order to make them culpable, or does the prescribed size for one man suffice to make them both culpable? R. Hisda and R. Hamnuna (both answered): One of them held that one prescribed size suffices, and the other that it must be double in order to make them culpable, (and it is known which of them held to the former opinion and which to the latter). Said R. Ashi: "We have also learned in a Boraitha: 'Two men who carried out a reed used by a weaver (into the street) are both culpable.' Why so? Was not double the prescribed quantity necessary in order to make both culpable? Hence we must assume that the Boraitha holds one prescribed quantity to be sufficient." Said R. Aha, the son of Rabba, to R. Ashi: "What proof do you derive from this Boraitha? Perhaps it refers to a reed that was of sufficient size to cook an egg for one and another for the other?" R. Ashi answered: If such were the case, the Boraitha would say merely a "reed" and not a "reed used by a weaver." Said R. Aha again: "Perhaps the Boraitha refers to a reed of sufficient size to weave a napkin each for both of them? Therefore it were better to say that from this Boraitha we can derive no support either for one opinion or the other."

A certain scholar taught in the presence of R. Na'hman: "Two men who carried out a reed used by a weaver (into the street) are both not culpable." R. Simeon, however, declares them culpable. How can this be? (Is this not contrary to R. Simeon's usage?) Read then (on the contrary), the scholars said they are culpable and R. Simeon said they are not.

MISHNA *VI.*: If one carry victuals of less than the prescribed quantity in a vessel (out into the street) he is not culpable even of (carrying) the vessel, for the vessel is of no consequence to the victuals. If he carried a person on a litter he is not culpable even of (carrying) the litter, because the litter is of no consequence to the person. If he carried a corpse on a cot he is culpable. The same is the case if (he carries) a part of the corpse of the size of an olive or of a carcass the size of an olive and of a reptile the size of a lentil. R. Simeon declares all of them free.

GEMARA: The rabbis taught: "If a man carry out victuals of the prescribed quantity in a vessel, he is culpable of carrying the victuals, but not of (carrying) the vessel, because the vessel is of no consequence to the victuals; but if the victuals are such that

they cannot be carried otherwise than in a vessel, he is culpable of (carrying) the vessel also." Shall we assume from this teaching that if one ate two pieces of tallow each the size of an olive at different times through forgetfulness (and was not reminded of his sin between both times of eating), he is bound to bring two sin-offerings? Said R. Ashi: In the case of the man who is culpable of (carrying) both the victuals and the vessel, it must be assumed that he carried them through forgetfulness and was subsequently reminded of having carried only one of them (but forgot about the other); later he was reminded of having carried the other also, and according to the opinion of the teacher of this Boraitha, he is culpable and bound to bring two sin-offerings, one for each time he was reminded. The same difference of opinion exists here as we have seen existed between R. Johanan and R. Simeon b. Lakish (in the chapter concerning the general rule of Sabbath).

"*If he carried a person in a litter*," etc. Shall we assume that the Mishna is in accordance with R. Nathan and not with the rabbis of the following Boraitha? "If one carried out an animal or a bird (into the street), whether alive or slaughtered, he is liable." R. Nathan, however, says: "For (carrying out) a slaughtered (animal or bird) he is culpable, but not for one that is alive, because a live creature carries itself." Said Rabha: "It may be said the Mishna is in accordance with the rabbis of the Boraitha cited, as they differ with R. Nathan only concerning animals or birds, which usually struggle to get loose and thus become a burden; but concerning a person, who is carried and agrees to being carried, and virtually carries himself, the rabbis yield to R. Nathan."

Said R. Ada b. Ahba to Rabha: How will, in your opinion, the statement in our Mishna be made plain: "Ben Bathyra permits the selling of a horse to a Gentile, and a Boraitha, in addition to this, states that the reason that Ben Bathyra permits this is because the Gentile will not perform any work with the horse on a Sabbath that would involve the liability of a sin-offering (for a horse is used for riding only, and when a person rides a horse the person virtually carries himself, and hence is no burden to the horse), and R. Johanan says that Ben Bathyra and R. Nathan said (practically) the same thing." Now, if in your opinion the rabbis differ with R. Nathan only in the matter of animals and birds, because when carried they struggle for freedom, but agree with him in the matter of a person, why does R. Johanan say that only Ben Bathyra and R. Nathan say the same thing? Did not the

rabbis also admit this? (The answer was:) R. Johanan said that Ben Bathyra in permitting a horse to be sold to a Gentile referred to one which was used only for carrying falcons. Are there then such horses? Yea; they are to be found at the Zaidons'.*

R. Johanan said: Even R. Nathan holds a man culpable if he carries a person, animal, or bird that is bound.

"*If he carried a corpse,*" etc. Said Rabba b. b. Hana in the name of R. Johanan, and the same was said by R. Joseph in the name of R. Simeon b. Lakish: R. Simeon frees one, even if he carries out a corpse for burial. Said Rabha: "Even R. Simeon concedes that if one carry out a spade to dig a grave with, or a scroll to read from, he is culpable." Is this not self-evident? Should we then assume that according to R. Simeon's opinion even this kind of labor is not labor for its own sake, how can we find any labor for its own sake which in the opinion of R. Simeon would involve the liability of a sin-offering? Lest one say that R. Simeon does not hold a man culpable for carrying a thing unless the work done with the thing is both for the man's sake and also for the sake of the thing itself—for instance, if the spade was needed for digging and also had to be sharpened, or the scroll had to be examined and used for reading—hence he informs us that such is not the case.

There was a corpse in Drokra† and R. Na'hman b. Itz'hak permitted it to be carried out into unclaimed ground. Said R. Johanan, the brother of Mar, son of Rabhina, to R. Na'hman b. Itz'hak: "According to which Tana's opinion do you act? According to R. Simeon? Did R. Simeon allow this? He only stated that the act does not involve the liability of a sin-offering, but he did not permit it to start with?" R. Na'hman answered: By the Lord! You yourself, and even R. Jehudah, would allow this to be done the same as I did; did I say that it was to be carried into public ground? I said unclaimed ground! Do not forget that this was also for the sake of the honor due a human being, of which it is said: "*Precious is the honor of man, and for its sake even a direct commandment of the Scripture may be circumvened!*"

MISHNA *VII.*: One who pares his finger-nails, either by

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* The text reads *Vaidon;* Luria corrects this to read Zaidon, as we have adopted, which means a falconer's horse. Hai, the Gaon, however corrects it Bazaidon, because a falconer in the Persian language is Baz, and one who occupies himself by hunting for birds is called Bazaidon.

† Name of a city.

means of his nails or by means of his teeth; also one who plucks hair from his head, beard, or lip; also a woman who braids her hair, or paints her eyebrows, or parts her hair, is, according to R. Eliezer, culpable. The sages, however, declare this to be (prohibited only by rabbinical law) as a precautionary measure.

GEMARA: Said R. Elazar: "The difference of opinion exists only in the case of paring the finger-nails by means of the nails, but if taken off with an instrument (all agree) that he is culpable." Is this not self-evident? Is it not plainly written in the Mishna, if he pares his finger-nails, one by means of the others? One might think that the difference of opinion is also concerning an instrument, and the reason the Mishna does not mention an instrument is only to show the firmness of R. Eliezer in prohibiting the paring of finger-nails even with one's own nails. He informs us that the difference of opinion is concerning the nails only. R. Elazar said furthermore: "The difference of opinion is only concerning a man's paring his own finger-nails, but if he pared another's all agree that he is not culpable. (The reason for this is because when paring one's own finger-nails a man can make them look as if trimmed with an instrument, but when trimming another's this is not possible.)" Is this not self-evident? Did not the Mishna say plainly: "His own finger-nails"? Nay. One might think that according to the opinion of R. Eliezer the trimming of another's finger-nails also makes one culpable, but the Mishna, stating plainly "his own finger-nails," intends only to show the firmness of the rabbis in making not culpable even those who pare their own nails; therefore he informs that such is not the case.

"*Also one who plucks hair from his head*," etc. There is a Boraitha: "One who cuts off a scissorsful of hair from his head on the Sabbath is culpable." How much is a scissorsful supposed to be? Two hairs. R. Eliezer says: "One." The rabbis agree with R. Eliezer that in case one gray hair is plucked from a number of black hairs a man is culpable even for one, and not only on Sabbath but even on week days it is also prohibited, as it is written [Deut. xxii. 5]: "And a man shall not put on a woman's garment."

We have learned in a Boraitha, R. Simeon b. Elazar said: "If a finger-nail become separated from the finger of its own accord, a man may remove the adhering part, providing the greater part of the nail was separated. He may do this with his fingers, but not with an instrument. If he did it, however, with an instru-

ment, he is not liable for a sin-offering. If the smaller part only was separated, he may not remove it. If he did so, however, with his fingers, he is not culpable, but with an instrument he is. Said R. Jehudah: "The Halakha prevails in accordance with R. Simeon b. Elazar." Said Rabba b. b. Hana in the name of R. Johanan "Provided the nail was bent upward and was troublesome."

"*Also a woman who braids her hair*," etc. In what category can her work be counted? Said R. Abuhu: "It was explained to me by R. Jossi b. Hanina: 'Painting the eyebrows comes in the class of work enumerated as dyeing, braiding, and parting the hair in the class of building.'" Is this the manner of building? Yea; as R. Simeon b. Menassia taught: It is written [Gen. ii. 22]: "And the Lord God formed * the rib which he had taken from the man." From this may be adduced that the Holy One, blessed be He, braided the hair of Eve and brought her to Adam. For in the seaports hair braiding and dressing is called building.

We have learned in a Boraitha, R. Simeon b. Elazar said: "Braiding the hair, painting the eyebrows, and parting the hair, if done for herself, does not make her culpable (because it cannot be properly termed building); but if done for another it does make her culpable." Furthermore, R. Simeon b. Elazar said in the name of R. Eliezer: "A woman shall not put red dye on her face, because that constitutes painting."

The rabbis taught: If one milked a cow and then made cheese of the milk to the size of a dried fig; if he swept a floor or dampened a floor (to lay the dust); or if he removed honeycombs from a beehive, his case is as follows: If he performed these acts unintentionally on Sabbath, he is bound to bring a sin-offering, and if he did all this intentionally on a biblical feast-day, he shall receive forty stripes. Such is the opinion of R. Eliezer, but the sages said: "All this is only prohibited by rabbinical law as a precautionary measure." (Says the Gemara:) Now the ordinance having prevailed according to the opinion of R. Simeon, all these acts are not prohibited at all.

MISHNA *VIII.*: One who plucks something from a perforated flower-pot is culpable; from a flower-pot that is not perforated he is not culpable. R. Simeon held him not culpable in both cases.

Abayi put a contradictory question to Rabha, according to others R. Hyya b. Rabh to his father Rabh: "The Mishna states

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* The Hebrew word for "formed" is "Vayiven," literally "built."

that R. Simeon holds one not culpable in either case. From this we see well that to R. Simeon a perforated or a solid flower-pot is one and the same thing. We have learned in another Boraitha: R. Simeon said that there is no difference between a perforated and a solid flower-pot except to make the seeds grown in the flower-pot subject to defilement (*i.e.*, in a solid flower-pot the seeds are not accounted as seeds). Hence there is a difference between the pots in the opinion of R. Simeon." The answer was: In all cases except defilement R. Simeon regards seeds in either a perforated or a solid flower-pot as loose (*i.e.*, detached from the ground). In the case of defilement, however, it is different, because the Scriptures themselves added a special provision regarding defilement of seeds, as it is written [Lev. xi. 37]: "And if any part of their carcass fall upon any sowing-seed which hath been sown, it shall be clean."

END OF VOLUME I.

NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and Translated into English

BY

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SECTION MOED (FESTIVALS), TRACT SABBATH

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.

2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.

3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waïbayith Aema* (literally, "otherwise interpreted"), we translate only the second.

4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

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CONTENTS.

PAGE

Synopsis of Subjects of Volume II.—Tract Sabbath, . xli

CHAPTER XI.

Regulations concerning Throwing from one Ground into Another, ... 189

CHAPTER XII.

Regulations concerning Building, Ploughing, etc., on the Sabbath, ... 204

CHAPTER XIII.

Regulations concerning Weaving, Tearing, Hunting, etc., on the Sabbath, ... 213

CHAPTER XIV.

Regulations concerning the Catching of Reptiles, Animals and Birds, ... 219

CHAPTER XV.

Regulations concerning the Tying and Untying of Knots on the Sabbath, ... 230

CHAPTER XVI.

Regulations concerning Articles which may be Saved from a Conflagration on Sabbath, ... 239

CHAPTER XVII.

Regulations concerning the Handling of Utensils and Furniture on the Sabbath, ... 266

CHAPTER XVIII.

PAGE

Regulations regarding the Clearing Off of Required Space, the Assistance to be Given Cattle when Giving Birth to their Young and to Women about to be Confined, ... 276

CHAPTER XIX.

Regulations ordained by R. Eliezer concerning Circumcision on the Sabbath, ... 288

CHAPTER XX.

Regulations concerning Certain Acts of Labor Which must be Performed Differently on a Sabbath and on a Festival, ... 309

CHAPTER XXI.

Regulations concerning the Pouring Out of Wine from Vessels Covered with a Stone (which must not be lifted), and the Clearing Off of Crumbs, etc., from the Table, ... 322

CHAPTER XXII.

Regulations concerning Preparation of Food and Beverages, ... 328

CHAPTER XXIII.

Regulations concerning Borrowing, Casting Lots, Waiting for the Close of the Sabbath, and Attending to a Corpse, ... 342

CHAPTER XXIV.

Regulations concerning a Man Who is Overtaken by Dusk on the Eve of Sabbath while Travelling, and concerning Feeding of Cattle, ... 363

THE PRAYER AT THE CONCLUSION OF A TRACT, 379

APPENDIX, ... 381

SYNOPSIS OF SUBJECTS

OF

VOLUME II.—TRACT SABBATH

CHAPTER XI.

MISHNAS I., II., III., IV., and V. Throwing from private into private by way of public ground. What constituted the sin of the wood-gatherer. The mysterious scrolls found by Rabh in the house of his uncle R. Hyya concerning the principal acts of labor. What was the name of the wood-gatherer. Arraignment of R. Aqiba by Jehudah ben Bathyra for slandering Zelophchad, by naming him as the wood-gatherer, and for slandering Aaron, by stating that he had been punished by leprosy. Reward for merit comes more quickly than retribution for wickedness. Regulations concerning pits in public ground for the Sabbath. Throwing from a distance of four ells against a wall. Throwing within four ells, when the object thrown rolled to a greater distance. Throwing at sea for a distance of four ells, and throwing from the sea to land, or from one ship to another. Throwing a thing on Sabbath and recollecting that it was Sabbath immediately afterwards. If the thing thrown was caught by another. The rule concerning what constitutes committing an act through error, involving the liability for a sin-offering, 189–203

CHAPTER XII.

MISHNAS I., II., III., and IV. Concerning building. The amount of building involving liability for a sin-offering; the amount of ploughing. The writing of how many letters make one liable for a sin-offering; with which hand that is to be done. The wonderful statement of some young men at the schoolhouse, which was not heard of even in the time of Joshua the son of Nun. Why the letters of the word Sheqer (lie) are so close together (in the order of sequence of the alphabet) and the letters of Emeth (truth) so far apart? Because lies are very frequent and truth very scarce. Tattooing. Ben Sattadai, being a fool, cannot be cited as an instance, . 204–212

CHAPTER XIII.

MISHNAS I., II., III., and IV. Concerning weaving. How many threads one must weave to become culpable. One who tears an article or breaks a

vessel on the Sabbath in a moment of fury is regarded as one who practises idolatry. Concerning one who rends his garments upon being advised of the death of a relative on Sabbath. Reward for shedding tears over the death of a righteous man. Fate of those who fail to mourn the death of a scholar. If one member of the community die, let the entire community beware. Rules pertaining to hunting and trapping. May the door be closed on a stag who seeks refuge in a dwelling? 213–218

CHAPTER XIV.

MISHNA I. Concerning the eight kinds of vermin mentioned in the Thorah. On what material the Phylacteries may be written. Samuel's and Karna's experience with Rabh upon the arrival of the latter in Babylon from Palestine. Questions put to Rabh by Karna. Samuel's remedies given Rabh during the latter's illness. Questions put to R. Joshua of Garthi by a Bathusee, and R. Joshua's replies, ... 219–222

MISHNA II. Concerning the preparation of salt water on Sabbath. A drop of water the best remedy for sore eyes. Which parts of the body must not be touched by the hand immediately after arising and before performing the morning ablutions. The comparison of the eye to a princess, who should not be touched by a hand that had not been washed three times. Is it permitted to bathe a sore hand in wine or vinegar on Sabbath? . 222–225

MISHNAS III. and IV. Concerning foods and beverages which may be partaken of on Sabbath for medicinal purposes. Definition of the tree-water mentioned in the Mishna. The aptitude of Babylonian beer as a remedy. The use of Ikkarim (a preventive against pregnancy), . . 225–229

CHAPTER XV.

MISHNAS I., II., and III. Concerning the tieing and untieing of knots on Sabbath. The poverty of R. Jehudah, the brother of Sallah the Pious, and the manner he and his shared the use of one pair of sandals, . 230–233

MISHNA IV. Concerning the folding of clothes and the making of beds on the Sabbath. Laws concerning a Sabbath that is concurrent with the Day of Atonement. Distinction of attire on Sabbath from that on week-days. R. Johanan's statement in reference to clothes. Rules for walking on the Sabbath. Inferences drawn from the biblical passage: "Give unto the wise, and he will become wiser." Boaz's object in marrying Ruth. The mention made in the Thorah concerning change of attire. The necessity for a scholar of keeping his attire immaculate. The degree of trustworthiness required of a scholar in order that he may recover a lost article without identification. The degree of worth required of a scholar to allow of his eligibility to the presidency of a congregation. Rules concerning the cleansing of food on the afternoon of the Day of Atonement, ... 233–238

CHAPTER XVI.

MISHNAS I. and II. Concerning the saving of sacred scrolls from a conflagration on Sabbath. What is the law concerning such scrolls if written in

Aramaic, Coptic, Median, old Hebrew, Elamite, and Greek? What happened to Aba Halafta on his visit to R. Gamaliel the Great in Tiberias, while sitting at the table of Johanan the Nazuph. Aba Halafta's reminiscence of R. Gamaliel's grandfather, in reference to the book of Job, written in Aramaic. The law concerning the saving of written benedictions and amulets from a conflagration. One who writes benedictions is regarded as one who burns the Law. What happened to men of Sidon, who wrote benedictions, which fact became known to R. Ishmael. Why are the two verses (Numbers x. 35 and 36) marked by signs? What is the law concerning the saving of the Gilyonim and the books of the Sadducees from a conflagration? R. Tarphon's dictum in this matter. Ema Shalom, R. Eliezer's wife's, and her brother R. Gamaliel's experience with a philosopher, who was also a judge. The law concerning covers of books, and to which place they may be taken in case of fire, ... 239–257

MISHNA III. How much food may be saved from a conflagration on Sabbath? How should bread be cut on the Sabbath? The number of meals to be eaten on Sabbath. The amount of property a poor man may own and still not be debarred from accepting charitable gifts. What should be given to an itinerant beggar. The reward of those who observe the eating of three meals on the Sabbath. The reward of one who maketh the Sabbath a delight. By what means we may make the Sabbath a delight. The good deeds related by several Tanaim and Amoraim, to have been especially taken care of by them. The different kinds of work performed by each one of the Amoraim personally in honor of the Sabbath. Anecdote told of Joseph, who honored the Sabbath, and his rich Gentile neighbor. The eventual impoverishment of the Gentile through the purchase of a pearl which was swallowed by a fish, and the sudden wealth of Joseph, who bought the fish and found the pearl. Experience of R. Hyya bar Aba while the guest of a rich man in the city of Ludkai. How must the Day of Atonement be honored? What the two angels who accompany man at the close of Sabbath say to one who had honored the Sabbath and to one who had not. The story of R. Abuha and his calf. Different opinions concerning the cause of the destruction of Jerusalem, ... 257, 258

MISHNAS IV., V., VI., and VII. How many loaves of bread may be saved in a basket from a conflagration. It is allowed to cover a chest with a goatskin to keep it from burning. Partitions to be made with vessels filled with water. Concerning a candle that had fallen on the table. Concerning Gentiles and minors at the extinguishing of a fire on Sabbath. The miracle occurring for Joseph ben Simai. What dangerous animals may be killed on Sabbath. The dissatisfaction of the pious with those who kill on the Sabbath, and the dissatisfaction of the sages with the pious. Aba bar Minyumi at the house of the Exilarch. The story of R. Gamaliel on board of a ship, and of Samuel, in whose presence a Gentile lit a candle for his own use, 258–265

CHAPTER XVII.

MISHNAS I. to VI. Concerning vessels which may be handled on the Sabbath. Vessels which may be removed for lack of space, also from sunshine into the shade; whether fragments of the vessels may be moved with them,

and other such matters. The questions put to Rabh by Mari bar Rachel, and Rabh's replies. Concerning window-blinds and covers of vessels, 266–275

CHAPTER XVIII.

MISHNA I. How much straw may be removed for the accommodation of guests on Sabbath. The reward for hospitality. Different opinions concerning the merits of hospitality. The six things of which the interest is paid to man on earth and the principal in the world to come. The four additional things which include the previous six. Concerning one who judges his neighbor charitably, and his reward above. The story of the man who was hired by the father of Hyrcanos for three years, and who was not paid at the end of the term. The story of the pious man who ransomed a maiden from captivity. The story of R. Jehoshua and the Roman matron, and his disciples. Whether salt meat and salt fish may be handled, 276–281

MISHNA II. Concerning a basket set down for chickens to climb. Concerning a woman carrying her child. What may be done in the event of an animal falling into the water on Sabbath, ... 281, 282

MISHNA III. Concerning animals about to calve on a festival. What assistance may be given a woman about to give birth to child on a Sabbath. For how long a period may the Sabbath be violated on account of a woman lying-in? From what time is she considered to be lying-in? Where life is at stake, the ordinances may be put to the most lenient construction. Everything necessary for a sick person, where the illness is not dangerous, should be performed by a Gentile. Concerning bleeding. Meals after being bled. The duty of drinking wine after being bled, and advice to one who has no wine. On what days one should be bled and on what days one should not. Everything mentioned in Ezekiel xvi. 4 may be done for a woman lying-in on Sabbath, ... 282–287

CHAPTER XIX.

MISHNAS I., II., and III. Concerning the bringing of the knife for circumcision on Sabbath. When it should be brought publicly and when concealed; when it should be concealed before witnesses. Public carrying of the knife as a proof of the love of the commandment. Commandments accepted by Israelites with joy are even now carried out joyfully; those received with protest are now reluctantly carried out. Story of Elisha, "the man of wings." The Sabbath may be violated on account of preparations for circumcision. Concerning the sucking out of the blood, and bandages necessary for circumcision. What Abayi's mother told him. Rabh's experience with the physicians of Me'huzza. Children who have imperfect circulation should not be circumcised until in perfect health. What happened to Nathan of Babylon. How a child should be bathed on Sabbath. The law concerning hermaphrodites. Concerning a child born at twilight and a child born without a foreskin. The story of the child of R. Ada bar Ahabha, who was carried to thirteen circumcisers. Whether the Sabbath may be violated on account of a child that had been delivered from the side of the mother (with instruments). When a child is called a miscarriage. If a child was to a

certainty regularly born, it must in the event of its death be mourned in the regular manner, ... 288–305

MISHNAS IV., V., and VI. Concerning one who had two children to be circumcised. Under what circumstances a child may be circumcised after the eighth day and until the twelfth. The benedictions pronounced by the circumciser, the father of the child, and the assembled guests after the circumcision, ... 305–308

CHAPTER XX.

MISHNAS I. to V. Concerning wine-filters. Laws concerning folding-beds, folding-chairs, etc. Question put by R. Kahana to Rabh. Rabh's reply and the explanation of same by the Gemara. The assertion that the Law will be forgotten by Israel, and R. Simeon's ben Jochai explanation of same. The advisability of investigating amongst the judges in Israel in times of trouble. Corrupt judges the hindrance to the resting of the Lord's Shekhina among the children of Israel. Zion's redemption must come through justice. The story of the young scholar who was accused before R. Ashi. The story told by R. Joseph concerning the goblet of wine served him by Mar Uqba. Concerning the soaking of laserpitium on Sabbath. Indisposition of R. A'ha bar Joseph, who was cured by laserpitium. Several sayings of R. Hisda, giving advice. How animals must be fed. Concerning straw on a bed. Concerning customary and unusual handling of things. Small men should not wear large shoes nor women torn shoes, . 309–321

CHAPTER XXI.

MISHNAS I. to III. Concerning the lifting of a child in connection with things held by the child, and the lifting of a corpse in connection with other things. Concerning a base to a prohibited thing. Concerning a stone at the opening of a barrel or on a cushion. Concerning the removal of husks and bones from the table. The decision of Abayi that the school of Hillel is always in conformity with R. Simeon's opinion, that the law of Muktza has no foundation, ... 322–327

CHAPTER XXII.

MISHNA I. How much may be saved from a broken cask. Concerning fruit which is pressed in order to extract the juice. Bunches of grapes may be pressed into the cooking pot direct, but not into a bowl. According to biblical law one is not culpable for pressing any fruit, with the exception of grapes and olives. Witnesses testifying from hearsay are not accredited, 328–331

MISHNA II. Concerning eatables that are dressed with hot water. The three questions propounded by R. Hyya bar Aba: "Why are the fowls of Babylon so fat? Why are the Babylonians so merry during the festivals? Why are the scholars of Babylon so well dressed?" The answers of R. Johanan: "If a thing is as certain to thee as the fact that thou canst not marry thy own sister, then say it. Otherwise, say it not!" . 331, 332

MISHNAS III. and IV. Concerning the breaking open of a cask and eating its contents. Rabh shows his respect for his pupils R. Kahana and R.

Ashi by refusing to sit on a bolster when they sat on the ground. Concerning the depositing of victuals in a cave. Concerning the dusting of clothes on Sabbath. R. Shesha's, the son of Idi, tasteful arrangement of his cloak. The narrative of R. Dimi in the name of and regarding Rabbi, . 332–338

MISHNA V. Concerning bathing in a cavern or in the hot springs of Tiberias. How the wine of Purgaitha and the water of Deumseth robbed the Israelites of ten tribes. How R. Jehudah had a pledge taken from Rabba bar bar Hanna to insure the latter's appearance at his college, and the advantage gained by R. Jehudah in learning a new Halakha, . 338–341

CHAPTER XXIII.

MISHNAS I. and II. Concerning borrowing and lending. Such acts as must be performed on festivals should be performed in as different a manner to what they are performed on week-days as possible. Concerning the counting of guests and dishes. Casting lots at meals. A man on whose account another is punished is not admitted into the abode of the Lord, . 342–346

MISHNAS III., IV., and V. Concerning the hiring of laborers on Sabbath. The rule laid down by Abba Saul. Concerning the transaction of the affairs of a community on Sabbath. The betrothal of children on the Sabbath. The miracle which occurred to a man who would not mend a fence of his field on Sabbath. Concerning waiting at the techoom on account of a bride or a corpse. Concerning the performance of all necessities for a corpse on Sabbath, ... 346–353

MISHNA VI. Closing the eyes of a corpse on Sabbath. Concerning the closing of the eyes of a dying person on a week-day. On account of a living child, only one day old, the Sabbath may be violated; but not even for David, King of Israel, if he be dead, may this be done. A living child one day old need not be guarded from the attacks of rats, but even the dead body of Og, King of Bashan, must be guarded from such attacks. Practise charity when the opportunity presents itself and when it is within thy reach. Poverty is compared to a wheel constantly turning. He who pities living creatures is pitied also in Heaven. The explanation of many verses in Ecclesiastes regarding the human body. Why R. Hanina did not weep over the death of his daughter. There are six kinds of tears which are shed: three good and three bad. The dispute of Joshua ben Kar'ha with the eunuch. Why Barzillai was a liar. Worms are as annoying to a corpse as a needle is to excrescences on the flesh. The soul of a man mourns for the body seven days. The narrative relating to R. Jehudah and his actions towards a stranger who died in his vicinity. "Return thy soul as clean as it was given thee," and the parable connected with the statement. The conversation between R. Na'hman and the dead body of R. Ahai ben Yashi. The bones of a man who had no jealousy in his heart will not rot. The souls of the righteous are ensconced underneath the throne of honor a twelvemonth after leaving the body. "Make my funeral sermon impressive, for I shall be present." To repent one day before death means to repent every day, lest the morrow bring death. "At all times let thy garments be white," and the parable connected with it, ... 353–362

CHAPTER XXIV.

MISHNA I. Concerning one who was overtaken by dusk on the eve of Sabbath while on the road. The Sabbath rest must be kept inviolate as far as one's animal is concerned, but one is not responsible for the Sabbath rest of a Gentile. An additional statement concerning the Sabbath rest, which the sages would not reveal. On the day the eighteen precautionary ordinances were instituted, according to the opinion of some, the measure of laws was made heaping full, while, according to others, it was not filled enough. The examples connected with this statement. Why R. Gamaliel allowed his ass to drop dead under a load, ... 363–367

MISHNAS II., III., and IV. Concerning the untieing of straw for cattle. Concerning the cramming of camels, calves, poultry, and doves. Kneading on Sabbath. The fate of those born on the different days of the week, according to the diary of R. Jehoshua ben Levi. The seven planets guiding the destiny of man. Designation (Muktza) on account of filth and on account of expensive articles. Concerning the cutting up of pumpkins and carrion, 367–376

MISHNA V. What vows may be annulled on Sabbath. Whether a vow may be annulled before the expiration of twenty-four hours after one hears it pronounced, or only during the same day. How consultation concerning vows must be had. Should a Chacham (sage) only be consulted, or will three ordinary men suffice for that purpose? How vows are to be annulled on Sabbath. By thought or by word of mouth; may one say merely: "Go, eat and drink!" The sages comply with the request of Mar Zutra and annul his vow on a Sabbath. How water for ritual purposes may be measured on Sabbath. What happened to Ula at the house of the Exilarch regarding the measuring of water in a bath, ... 376–378

CUSTOMARY CONCLUDING PRAYER.

Epigraph. Translator's remarks, ... 379, 380

APPENDIX.*

Concerning the eighteen regulations enacted in the attic of Hananiah ben Hizkyah ben Garon. Their importance and influence on the government of the Jews. The degeneracy of priestdom, ... 381–390

* We would call the attention of the reader to the appendix of this volume, which will prove interesting to the general reader and present something heretofore unpublished to the student of the Talmud.

TRACT SABBATH.

CHAPTER XI.

REGULATIONS CONCERNING THROWING FROM ONE GROUND INTO ANOTHER.

MISHNA: One who throws a thing from private into public or from public into private ground is culpable. From private into private ground, by way of public ground, R. Aqiba holds him to be culpable, but the sages declare him free. How so? If two balconies face each other across a street, one who transfers or throws something from one into the other is free; if the two balconies, however, are in the same building, he who transfers a thing from one into the other is culpable, but he who throws is free; because the work of the Levites (in the tabernacle) was as follows: From two wagons facing each other in public ground boards were transferred, but not thrown from one into the other.

GEMARA: Let us see! Throwing is but the offspring of transferring. Where is transfer itself mentioned in the Scriptures? Said R. Johanan: "It is written [Ex. xxxvi. 6]: 'And Moses gave the command and they caused it to be proclaimed throughout the camp,' etc. Where was Moses sitting? In the quarters of the Levites. The quarters of the Levites was public ground (because all the people were received there by Moses). And Moses said unto Israel: 'Ye shall not transfer anything from your quarters (which was private ground) into these quarters.'" We have found, then, transfer from within, but where do we find transfer from without? It is a logical conclusion, that transfer from within is the same as transfer from without. Still he calls transfer from within the principal act and transfer from without but the offspring. Now, if transferring from within and transferring from without involve the same degree of culpability, why does he call the one

a principal and the other an offspring? For the following reason: If one commit two principal acts of labor, or two offsprings of two different acts of labor, he becomes bound to bring two sin-offerings; but if he commits one principal act and one offspring of the same act of labor, he becomes bound to bring only one sin-offering.

Whence do we know that if one throw a thing four ells in public ground he is culpable? All that is said about four ells in public ground is traditional.

R. Jehudah said in the name of Samuel: The wood-gatherer's sin [mentioned in Numbers xv. 32–35] consisted in carrying four ells in public ground. We learned in a Boraitha, however, that he pulled out sticks growing in the ground. R. Aha b. R. Jacob said: He gathered the sticks and bound them into bundles. What difference is there in the acts? (Why this dissension?) The difference is, as we were taught in the name of Rabh, who says: "I found a mysterious paper in the possession of my uncle, R. Hyya, upon which was written: 'Aissi ben Jehudah said: The principal acts of labor are forty less one. One of them does not involve culpability. R. Jehudah holds, that carrying in public ground is not this one act and the Boraitha holds that pulling out of the ground is not that one, and R. Aha b. R. Jacob holds that binding into bundles is not the act which involves culpability.' Each one of these three was certain that if a man committed any of the acts mentioned by each he was undoubtedly culpable."

The rabbis taught: The name of the wood-gatherer was Zelophchad, and so it is written [Numb. xv. 32]: "And while the children of Israel were in the *wilderness* they found a man," etc., and further on [ibid. xxvii. 3] it is written: "Our father died in the *wilderness*," etc., etc., "but in his own sin he died," etc., an analogy of the word *wilderness*. As by "our father" is meant Zelophchad, so also the name of the wood-gatherer was Zelophchad. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the time of the divine judgment; for if it be true, you disclosed the name of the man whom the Scriptures desired to shield, and thus you brought him into infamy, and if it be false you slandered a man who was upright." The same case occurred in the following: It is written [Numb. xii. 9]: "And the anger of the Lord was kindled against them," etc. From this we learn that Aaron also became

leprous. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the divine judgment; for if it be true, you disclosed a thing the Scriptures desired to conceal, and thus you brought infamy upon Aaron, and if it be false, you slandered a man who was upright." But the Scriptures say: "And the anger of the Lord was kindled against *them*." This signifies *only* that Aaron was included among those against whom the anger of the Lord was kindled.

We have learned in a Boraitha according to the opinion of R. Aqiba: "Aaron also became leprous, as it is written: 'And Aaron turned toward Miriam, and behold she was leprous,' which implies that at the moment when he turned toward Miriam he was cured of *his* leprosy and perceived it in Miriam."

Said Resh Lakish: He who suspects an innocent man is punished in the flesh, as it is written [Ex. iv. 1]: "But behold, they will not believe me," and it was known to the Holy One, blessed be He, that Israel will believe, and the Lord said unto Moses: "They are believers and they are children of believers, but thou, I know, wilt finally not believe." They are believers, as it is written [ibid. iv. 31]: "And the people believed." They are children of believers, as it is written [Gen. xv. 6]: "And he believed in the Lord." Thou wilt finally not believe, as it is written [Numb. xx. 12]: "Moses and Aaron, because ye have not confided in me;" and whence do we know that he was punished in the flesh, as it is written [Ex. iv. 6]: "And the Lord said furthermore unto him, Do put thy hand into thy bosom; and he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow."

Rabha said, according to others, R. Jose b. Hanina: Reward for merit, destined for a man, comes to him more quickly and in a greater degree than retribution for wickedness, for in the case of Moses we see it written [Exod. iv. 6]: "And he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow." But the reward was, as it is written [ibid. 7], "And when he pulled it out of his bosom, behold, it was turned again as his other flesh." The reason that the verse repeats "pulled it *out of his bosom*," is to show, that the hand had become cured while in the bosom (and thus the reward was given more quickly and effectively). It is written [Ex. vii. 12]: "Aaron's staff swallowed up their staves." Said R. Elazar: "This was a miracle within a miracle, for Aaron's staff

did not swallow up the staves (of the Egyptian magicians), which had become serpents, while it was itself a serpent, but after it was become a staff again."

"*From private ground into private ground,*" etc. Rabha propounded a question: "Shall we assume that the point of difference is in the opinion relating to whether the surrounding of a thing by the atmosphere of a certain place makes the thing equal to being deposited in that place or not?" And if this is the point of difference, it must follow that the Mishna treats of a case where the object thrown was at no time above ten spans from the ground (because above ten spans no public ground exists). Those who deem it a culpable act, do so, because they hold that the object, being surrounded by the air of the public ground, through which it passed, makes it equal to being deposited therein, while those who do not deem it a culpable act are not of this opinion; but if the object thrown was above ten spans from the ground, do both sides agree that the thrower is not culpable? Or shall we assume that both sides do not differ as to the object thrown being equal to being deposited in the place, the atmosphere of which surrounded it, agreeing that such is the case; but their point of difference is as to whether throwing is equal to transfer or not? He who holds that the thrower is culpable does so because he considers throwing equal to transfer by hand, and as transfer makes a man culpable, even if it was accomplished above ten spans from the ground, it also applies to throwing; but he who holds that the thrower is not culpable, does so because he does not consider throwing equal to transfer by hand. And the case treated of by the Mishna is one where the throwing was done above ten spans from the ground? Said R. Joseph: This question was also propounded by R. Hisda, and R. Hamnuna decided it from the following Boraitha: "From private into private ground, by way of public ground *itself*, R. Aqiba makes him culpable, but the sages declare him free." Now, if he says, "by way of public ground *itself*," it implies that it was below ten spans from the ground. Let us then see wherein was the difference of opinion. Shall we say that it was a case of transfer by hand and still the one who holds him culpable does so because it was below ten spans, but if it was above ten spans he would concede that he was not culpable? How can this be? Did not R. Elazar say: "He who transfers a burden above ten spans from the ground is culpable, because thus were burdens transferred by the sons of

Kehath"? Therefore we must assume that the Boraitha treats of a case of throwing and not of transfer by hand, and hence one holds, that an object surrounded by the atmosphere of a certain place below ten spans from the ground is equal to an object deposited in that place, while the other holds that such is not the case. Conclude then from this that the Mishna treats of a case where the throwing was done below ten spans from the ground.

The above teaching, however, is not in accord with the opinion of R. Elazar, for he said: R. Aqiba makes the thrower culpable even when the throwing was done above ten spans from the ground; but for what purpose does the Boraitha state "public ground *itself*"? Merely to show the firmness of the rabbis in declaring one free, even when he transferred a thing by hand through public ground.

All that was said above is contrary to the opinion of R. Helkiah b. Tubhi, because *he* said: "If the throwing was below three spans from the ground, all agree that the thrower is culpable; if above ten spans, all agree that he is not culpable; but if the throwing was done between three and ten spans above the ground, then the difference of opinion between R. Aqiba and the sages arises." We have learned in a Boraitha in support of R. Helkiah: "Below three all agree that one is culpable; above ten all agree (that only a rabbinical prohibition exists) as a precautionary measure (because no Erubh was made).* If the two premises belonged to the thrower, he may throw to start with. From three to ten spans is where the point of difference between R. Aqiba and the sages arises.

It is certain, that if it is one's intention to throw eight ells and he throws only four, one is culpable; because it is equivalent to the case where one intends to write the name Simeon and only writes Sim (for Sim alone is also a name, and four ells is the prescribed distance for throwing); but what is not certain is, if one intended to throw only four ells and threw eight, what is his case? Shall we assume that he threw the prescribed distance and is thus culpable, or, because the object did not reach the desired destination, he is not culpable? The answer was, that according to this question Rabhina asked R. Ashi, and the latter answered that no culpability can exist unless he intended that the object should remain wherever it happened to alight, *i.e.*, if

* The law concerning Erubhin will be explained in Tract Erubhin.

the man intended to throw eight ells and threw only four he is also not culpable, and the assertion that the last-named act is equivalent to writing Sim when the intention was to write Simeon, which according to the succeeding Mishna is an act involving culpability, does not hold good; for he cannot write Simeon without first writing Sim, but surely he can throw eight ells without previously throwing four ells.

The rabbis taught: If one threw from public into public ground and private ground was in between, and the four ells commenced and ended in the two public grounds, including the private ground, he is culpable; but if he threw less than four ells he is not culpable. What news does this convey to us? It is to inform us, that the different premises are counted together and that the culpability arises not from the fact that the atmosphere of the private ground, having surrounded the object thrown, makes that object equal to having been deposited in that private ground; because that ordinance does not hold good, and the culpability arises merely from throwing four ells in public ground.

R. Samuel b. Jehudah, quoting R. Abba, who quoted R. Huna in the name of Rabh, said: If one transferred an object for four ells in a roofed public ground, he is not culpable. Why so? Because this public ground is not equal to the public ground under the standards in the desert traversed by the Israelites. This is not so! We know that the wagons which carried the boards of the tabernacle were roofed, and Rabh said in the name of R. Hyya that the ground beneath the wagons, between them, or alongside of them, was all public. Rabh means to state that the wagons were not actually covered, but that the boards were placed crossways on them in layers, and between every layer there was uncovered space, and that space was, in the opinion of Rabh, public ground.

The rabbis taught: The boards used at the tabernacle were one ell thick and sloped gradually until they attained the thickness of one finger at one end, as it is written [Ex. xxvi. 24]: "And they shall be closely joined together on top by means of one ring," and in another passage [Joshua iii. 16] it is written, "failed, were cut off."* So said R. Jehuda. Hence it is evident that on top the boards were only one finger thick. R. Nehemiah says: "They were also one ell thick on top, as it is

* The Hebrew term for "cut off" in that passage is Tamu, and for "joined" in the previous passage it is "Tamim"; hence the comparison by analogy.

written [ibid. ibid.], 'joined *together*,' and the 'together' means that they were to be the same on top and on the bottom. But it says "joined" (Tamim)! The Tamim here signifies that they must be whole, unbroken.

The school of R. Ishmael taught: To what can the tabernacle be compared? To a woman going to market, whose dress hangs down and drags on the ground (*i.e.*, the curtains were hanging down and dragging on the ground).

The rabbis taught: The boards of the tabernacle came to a point and the thresholds contained sockets on which the boards were fitted. The hooks and fillets of the curtains appeared like stars in the sky.

The rabbis taught: The lower curtains were of blue, purple, and scarlet yarn and of twisted linen thread, and the upper curtains were of goats' hair, and more skill was necessary to make the curtains of goats' hair than of the first-named materials, for concerning the lower curtains it is written: "And all the women that were wise-hearted spun with their hands, and they brought that which they had spun of the blue, and of the purple, and of the scarlet yarn, and of the linen thread"; but concerning the upper curtains it is written [ibid. 26]: "And all the women whose hearts stirred them up in wisdom spun the goats' hair." And we have learned in the name of R. Nehemiah, "The goats' hair was woven right from the goats' backs without being shorn."

"*If the two balconies*," etc. Said Rabh in the name of R. Hyya: "The space between the wagons, beneath the wagons, and alongside of them is public ground." Said Abayi: "The space between two wagons was the length of another wagon? What is the length of a wagon? Five ells. Rabha said the sides of the wagon (*i.e.*, the width between the sides) was the width of a wagon. What is that width? Two and one-half ells. Now, we know that the width of a way in public ground is sixteen ells. Whence do we adduce this? If we adduce this from the case of the tabernacle, it should only be fifteen ells; (for the width of two wagons together with the space between them was fifteen ells). The answer is: There was another ell additional between the two wagons where the Levite walked in order that he might watch the wagons and adjust anything that might come out of place."

MISHNA: One who takes anything from, or places anything upon a sand-heap, dug out of a pit or a stone that is ten spans

high and four spans wide, is culpable. If the sand-heap or the stone is below that height, he is free.

GEMARA: Why does the Mishna say a sand-heap, dug out of a pit, or a stone? Why not the pit or the stone itself? (Then we would know both the height and depth which must not be used for the placing of a thing.) This was said in support of the statement of R. Johanan, viz.: That the sand-heap dug out of a pit is counted in with the depth of the pit as to height to complete the ten spans. We have also learned thus in a Boraitha: One must not draw water from a pit in public ground which is ten spans deep and four spans wide, unless he has made a railing round the pit that is ten spans high. He must also not drink from the pit unless he put his head and the larger portion of his body into it. The pit and the sand-heap dug out of the pit are counted in with it to complete the ten spans.

R. Mordecai asked of Rabha: What is the law regarding one who threw a thing on a post ten spans high and four spans wide, standing in public ground? Shall we assume that he is culpable because he removed the thing unlawfully and also deposited it unlawfully (*i.e.*, from public ground into private), or that he is not culpable because the object which lighted on the post came from ground which is under no jurisdiction, being above ten spans from the ground? (If the man had the intention to throw the object on top of the post, he must have thrown it high up into the air, and before lighting on the post it passed through space above ten spans from the ground, and that space is regarded as ground under no jurisdiction, therefore he is not culpable?) Rabha answered: "This is explained in the Mishna." R. Mordecai then went to R. Joseph and asked the same question. He received the same answer: "It is explained in the Mishna." Thereupon he came to Abayi with the same question, and again received the same answer. Said R. Mordecai to Abayi: "Do ye all spit with the same spittle?" Answered Abayi: Dost not *thou* think that the Mishna explains it? Did not the Mishna say, "One who takes from or places upon"? Rejoined R. Mordecai: "Perhaps the Mishna treats of a needle which can be placed on a level with the ten spans height." Said Abayi: "A needle must also be lifted above the level." Said R. Mordecai again: "It *can* be placed without being lifted above the level, because every stone has some crevices that are lower than the surface of the stone and the needle can be placed in one of the crevices."

R. Johanan propounded a question: "What is the law regarding a man who throws a cake of earth (four spans square and one span deep) into a pit exactly ten spans deep and four spans square? Shall we say, that he is culpable because he threw the cake of earth into the pit, which was still ten spans deep and therefore private ground, or that he is not culpable because as soon as the cake reached the bottom of the pit it lessened the pit's height to nine spans, and thus made the pit unclaimed ground?" Let R. Johanan decide this question himself by what he said in the following Mishna: "If one throw a thing from a distance of four ells against the wall, and it strikes the wall at a height of over ten spans from the ground, he is free, but if below ten spans from the ground he is culpable, because one who throws a thing to the ground at a distance of four ells is culpable." We have investigated the case; how can he be culpable if the object thrown did not adhere to the wall? And R. Johanan answered: "The case was one of a soft date, which *did* adhere to the wall." Now, if the conclusion is that the cake of earth lessened the depth of the pit, the date which adhered to the wall also lessened the distance of four ells from where the date was thrown, and he says that the man is culpable? The answer was: In the case of the date the thrower did not intend that the date should adhere to the wall permanently, while in the case of the pit the cake of earth remained in the pit permanently, as intended by the thrower.

Abayi said: If a man throw a mat into a pit ten spans deep and eight spans wide in public ground he is culpable. If he, however, placed the mat into the pit so that the pit was divided into two equal parts, he is not culpable. (The latter decree informs us of two facts: Firstly, that although the mat was placed in the pit, while the pit was still of sufficient size to constitute it private ground and was only diminished at the time the mat was placed into it, the man is not culpable, and secondly, that the mat takes up sufficient space to make the two pits caused by division less than four spans wide each.) Now, if, according to Abayi, it is a certainty that the mat is sufficient to nullify the enclosures necessary for the designation of private ground, so much the more is this the case with the cake of earth previously mentioned, but according to R. Johanan, to whom it is even questionable whether the cake of earth can produce that effect, surely a mat cannot.

Abayi said again: If a man throw an object into a pit ten

spans deep and four spans wide, filled with water and standing in public ground, he is culpable, but if the pit was filled with fruit, he is not culpable; because water does not annul the enclosures necessary for the designation of private ground, while fruit does (the reason is that an object thrown into a pit of water falls to the ground in spite of the water [viz.: a stone or iron], while in a pit filled with fruit it rests on top).* We also learned the same in a Boraitha, in the name of R. Simeon: "Water does not annul the enclosures necessary for the designation of private ground."

MISHNA: If one throw a thing (a soft date) from a distance of four ells against the wall, and it strike the wall at a height of over ten spans from the ground, he is free; but if it strike the wall below ten spans from the ground, he is culpable; because one who throws a thing to the ground at a distance of four ells is culpable.

GEMARA: Said R. Jehudah, quoting Rabh in the name of R. Hyya: If one throw a thing at a distance of four ells against a wall, and the thing rested in a hole in the wall above ten spans from the ground, the law in his case is decided differently by R. Meir and the sages, viz.: R. Meir holds, that any object (like a hole) capable of being enlarged, must be looked upon as having been already enlarged, and therefore the man is culpable. The sages, however, hold that such is not the case; everything must be regarded in its actual condition.

R. Jehudah said in the name of Rabh: If a man throw a thing upon a sand-heap four ells wide and sloping up to a height of ten spans, he is culpable, provided the thing rested on the highest point of the heap, because the heap is regarded as being ten spans high in its entire length. The same we have learned in a Boraitha in the name of R. Hanina ben Gamaliel.

MISHNA: If one threw an object within four ells (in public ground) and the object rolled to a greater distance, he is free; if he threw a thing outside of four ells and it rolled back within four ells, he is culpable.

GEMARA: Why should a man be culpable in the latter clause of the Mishna; the object thrown did not rest outside of four ells if it rolled back within the prescribed limit? Said

* So explains Rashi (Isaakides); we think, however, the reason that water does not annul the enclosures is, because water belongs to the public and any one can draw it out, and therefore it is equal to not being there; but, fruits must belong to a private individual and this makes it private ground.

R. Johanan: The Mishna treats of a case where the object thrown came in contact with an obstacle by means of which it rolled back, and therefore it rested for a moment outside of four ells.

Rabha said: "In the opinion of the sages, who differ with R. Aqiba concerning his decree, that an object surrounded by the atmosphere of a certain place makes the object equal to having been deposited in that place, a man who threw a thing from private into private ground by way of public ground, even below three spans from the ground, is not culpable unless the thing thrown rested for a moment at least on the public ground." Mareimar sat and repeated the above decree. Said Rabhina: "Does not our Mishna say the same, through the declaration of R. Johanan, who decrees that the Mishna holds a man culpable only if the object thrown by the man rests at its destination for a moment?" Answered Mareimar: Thou speakest of a rolling thing (which is carried along by the wind and it is not known when it will stand still). Such a thing cannot be regarded as resting, although it is below three spans from the ground, but in our case it is different. The thing was thrown (and was not rolled by the wind); so we might assume that when it reached a distance of less than three spans from the ground, it must be considered as resting on the ground; he informs us (that such is not the case).

MISHNA: If one throw a distance of four ells on the sea, he is free; if there happen to be shallow water, through which a public thoroughfare leads, where he threw the four ells, he is culpable. What must be the maximum depth of such shallow water? Less than ten spans; for one who throws four ells in shallow water, through which only occasionally a public thoroughfare leads, is culpable.

GEMARA: Said one of the schoolmen to Rabha: "The Mishna mentioning a public thoroughfare twice is justified in doing so, because we might presume that a thoroughfare used only in cases of necessity cannot be regarded as a *public* thoroughfare, and hence the Mishna informs us that while in other cases use from necessity is not to be regarded as customary, in this case it is different. But why is shallow water mentioned twice?" Answered Abayi: We might presume that the shallow water was *not* four ells wide, in which case it would be used as a thoroughfare; but if it was four ells, people would circumvene it, and thus it would not be considered a public thoroughfare;

therefore it is repeated to inform us that there is no difference between shallow water less than four ells wide or more.

MISHNA: One who throws from the sea into land, from land into the sea, from the sea into a ship, from a ship into the sea, or from one ship into another, is free. If ships are bound together, one may transfer an object from one into the other; but if the ships are not bound together, even though they lie alongside of one another (and meet), one must not transfer a thing from one into the other.

GEMARA: We have learned: If one desires to draw water from the sea into the ship, he must make a small (board) attachment to the side of the ship, and then he can draw the water. So said R. Huna, because he holds that unclaimed ground commences from the bottom of the sea and ends with the surface. The atmosphere above the sea is considered as ground under no jurisdiction, and hence the making of the attachment was really not necessary; but it being Sabbath, this should be done to distinguish the Sabbath from week-days. R. Hisda and Rabba bar R. Huna said: "The attachment made should be four ells wide," because they hold that the unclaimed ground commences from the surface of the water, and the water itself is considered as ground, and if the attachment were not made, it would constitute carrying from unclaimed ground into private ground, and this is not allowed to commence with.

R. Huna said: "On the small boats, that are not four spans wide down their entire depth, a man must not carry anything only for four ells (because it cannot be considered private ground), unless at a distance of three spans from the ground the boat is four spans wide. If there be sticks or refuse at the bottom of the boat, the bottom of the boat commences from the top of such sticks or refuse, and if the boat be ten spans high, according to that calculation one may carry in it." R. Na'hman opposed this: "Why should a man not be permitted to carry in a boat the bottom of which is not strewn with sticks and refuse?" Have we not learned in a Boraitha that R. Jose b. R. Jehudah said: "If one placed in public ground a stick (ten spans high), on top of which was a trough, which was four spans wide, a person throwing anything on top of the trough is culpable, because, while the trough was not ten spans high itself, the height of the stick upon which it rests is considered as included in its own." Why should this not also refer to the case of the boat, and the place where it *is* four spans wide be considered

as if it reached down to the bottom? R. Joseph opposed R. Na'hman as follows: "Did not R. Na'hman hear that R. Jehudah, in the name of Rabh, according to others, in the name of R. Hyya, said, that the sages did not agree with Jose b. R. Jehudah and exonerated the man?" Hence we see that the Boraitha, treating of the boat, holds with the opinion of the rabbis.

"If ships are bound together," etc. Is this not self-evident? Said Rabha: "The Mishna wishes to inform us, that one is permitted to carry from one ship into another, even if a small boat is between them, *i.e.*, one may carry from one ship into the boat and thence into the other ship, even though the small boat is not tied to either ship." Said R. Saphra to him: "Moses!* How canst thou say such a thing? Does not the Mishna state explicitly that one may carry from one ship into another? No boat between them (was mentioned)." R. Saphra, however, explained the Mishna thus: The Mishna, by saying one may carry from one ship into another, means to say that an Erubh may be made between the two ships, just as between two houses, and then things may be carried from one into the other, as we have learned in a Boraitha: An Erubh may be made between ships that are tied together and things may be carried from one into the other. If the rope by means of which the ships were lashed to each other became torn, carrying to and from one ship to the other is not allowed; but if the ships were lashed together again, either intentionally or unintentionally, through compulsion or through an error, the original permission again holds good.

The same is the case with mats of which tents were made, whereby the ground enclosed by the mats becomes private; and if many such tents were made, carrying from one tent into another is permitted, provided an Erubh is made. If the mats were rolled up, however, such carrying is not permitted. Were the mats rolled down again, intentionally or unintentionally, through compulsion or through error, the original permission again holds good.

It was reported in the name of Samuel: If the ships were tied together with a mere thread, permission to carry from one into the other holds good.

MISHNA: If one threw a thing, and after the thing had

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* The word Moses was used as a title to a great teacher.

passed out of his hand, he recollected that it was Sabbath; if another person caught the thing thrown; if a dog caught it or if the thing thrown was consumed by fire (before reaching its destination), the man is free. If one threw a thing for the purpose of injuring a man or a beast, and before such injury was inflicted recollected (that it was Sabbath), he is free. (For) this is the rule: Only such are culpable and bound to bring a sin-offering as commit an act through error from beginning to end; if the act, however, was committed through error only at the start, and at the close was committed consciously, or *vice versa*, the perpetrator is free until the beginning as well as the end of the act is committed through error.

GEMARA: What would be the case, if the thing, after passing out of the thrower's hand, had rested (outside of four ells in public ground)? Would he be culpable? Why! Did he not recollect (that it was Sabbath) before the thing rested? And our Mishna (distinctly) states that one cannot be culpable unless an act were committed through error from beginning to end! Said Rabha: The Mishna teaches us two facts: Firstly, if one threw a thing, and after the thing had passed out of his hand he recollected (that it was Sabbath); or secondly, even if he did not recollect (that it was Sabbath), but another man, or a dog, caught the thing, or it was consumed by fire before it rested, he is not culpable.

"*This is the rule.*" We have learned: If one threw a distance of six ells, two ells through error, the next two consciously, and the last again through error, Rabba declares him free. (How can that occur? As soon as the object had passed out of his hand and had not yet reached farther than two ells, he became conscious that it was Sabbath, and before it had passed the next two ells he forgot again that it was Sabbath.) Rabha, however, declares him culpable. Rabba declares him free, even according to the opinion of R. Gamaliel (in the last Mishna of Chapter XII.), who does not consider the consciousness during the time intervening between the perpetration of the two acts (each of which only executed one-half the prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). For what reason? Because in the case treated of in the cited Mishna nothing was done during the period of consciousness (of the Sabbath) intervening between the two unfinished acts to neutralize the erroneous character of

the two unfinished acts, and thus they became one finished act and made the perpetrator culpable. In this case, however, Rabba assumes that during the time intervening between the passing of the first two ells and the last two ells, the man carried the thing, and did so fully conscious (of the Sabbath), and thus neutralized the erroneous character surrounding the throwing for the first two and last two ells. Rabha, however, declares him culpable, even according to the rabbis, who hold contrary to the opinion of R. Gamaliel (in the cited Mishna) and consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts, thus making the perpetrator not culpable. In this case, however, the man is culpable. (Why so?) Because in the case cited in the same Mishna the entire act could have been committed, but was not, for after the man became conscious (of its being Sabbath) he stopped; hence the unfinished act was not counted. Later he again forgot that it was Sabbath, but again recollected, before the entire act was committed; so the second unfinished act was not counted, and the man is free. In this case, however, the thing having been thrown could not be stopped when the man became conscious of its being Sabbath before it reached its destination! Thus the act was committed, and the fact that the thrower became conscious (of its being Sabbath) in the mean time is of no consequence. (Now, the conclusion is that there is really no difference between the rabbis and R. Gamaliel or between Rabba and Rabha, because all agree that if the thing was thrown the man is culpable, but if carried by hand he is not.)

Rabba said: If one threw a thing and it rested in the mouth of a dog or in the opening of an oven, he is culpable. Did we not learn in the Mishna that if a dog caught it, or if it was consumed by fire, he is not culpable? Yea; but the Mishna refers to a case where the intention was to throw it elsewhere and accidentally a dog caught it or it was consumed by fire; but Rabba means to say that a man is culpable if he intentionally throw it into the dog's mouth or into the oven. Said R. Bibhi b. Abayi: We have also learned elsewhere that the intention to have a thing rest in a place makes that place a fit one for the thing.

CHAPTER XII.

REGULATIONS CONCERNING BUILDING, PLOUGHING, ETC., ON THE SABBATH.

MISHNA: (Among the forty, less one, principal acts of labor, building was enumerated.) What is the least amount of building which will make a man culpable? The least possible amount. The same applies to stone-masonry, smoothing with a hammer (at the close of the work); as for planing, he who planes the least bit, and for drilling, he who drills ever so little, is culpable. For this is the rule: He who performs any act of labor which is of permanent value is culpable. R. Simeon ben Gamaliel said: He who during his work strikes the anvil with his sledge is culpable, because he virtually brings about labor.

GEMARA: Of what use is so small an amount of building? Said R. Aha bar Jacob: "So small an amount of building is usually done by a householder who discovers a hole in the wall of one of his rooms and fills it up (with wood or cement). And the instance of such work having been performed at the (construction of the) Tabernacle is: When one of the boards contained a hole produced by worms, a little molten lead was poured into it and it was thus filled."

Samuel said: "One who places a stone in the street for the purpose of paving the walk is culpable." An objection was made. We have learned elsewhere: If one furnish the stone for paving and another furnish the mortar, the latter is culpable? [Says the Gemara:] If you base your objection to Samuel's decree upon this Boraitha, why do you not also cite the latter decree of the Boraitha which reads: R. Jose says: "One who picks up a stone and places it upon a row of stones is also culpable"? Hence we see that there are three different kinds of building. Building at the base, in the centre, and on the top. Building at the base only requires a solid foundation in the earth. Building in the centre requires mortar. Building on top needs only proper placing without the use of mortar.

"Stone-masonry." In what category of labor can stone-

masonry be placed, that its performance should make one culpable? Rabh said it comes under the category of building, and Samuel said under the category of smoothing with a hammer. The same difference of opinion exists between Rabh and Samuel in the case of one who bores a hole in a chicken-coop that was not previously perforated. The former holds this to be building, while the latter regards it the same as smoothing with a hammer. (It makes no difference to one who performs such labor unintentionally, for in either event he must bring a sin-offering, regardless of what class of labor he performed, if he does only *one* act; but when he performs two acts there is a difference. If they are both of *one* category, he is bound to bring only *one* sin-offering, but if they are of different categories, he must bring *two;* but in the case of one who performed such work with intention, even if he does only *one* act it does make a difference. The witnesses to his deed when warning him—of his wrong-doing—must inform him just what class of labor he is engaged in executing. Should they tell him incorrectly, he cannot be held guilty. This applies to all cases where the Gemara asks as to the category of labor performed.) The same difference of opinion also exists in the case of one who affixed a handle to a pickaxe, Rabh classing such work as building, and Samuel as smoothing with a hammer.

A question was propounded by R. Nathan bar Oshiya to R. Johanan: "Under what category of labor is stone-masonry to be placed?" R. Johanan answered him by making the sign of hammering with his hand.

"*For this is the rule.*" What additional significance does the statement "for this is the rule" contain? It applies to the hollowing out of a block of wood capable of holding a Kabh (about four lugs), a cavity a good deal smaller.

"*R. Simeon ben Gamaliel said,*" etc. What labor is performed by striking an anvil with a sledge? The Tosephta in this chapter explains it as follows: "Said R. Simeon ben Gamaliel: He who during his work strikes the anvil with the sledge is culpable; because at the construction of the Tabernacle those that covered the boards with metal-plate would strike the plates with their hammers."

MISHNA: One who ploughs, grubs, weeds, or prunes ever so little is culpable. One who gathers wood for the purpose of using the space occupied by the wood is culpable if he gathers ever so little; but if he gathers it for the purpose of lighting a

fire with it, he is culpable only if he gathered as much as is required to cook (an easily boiled egg). If one gathered grass for the sake of the space occupied by it, he is culpable for gathering even ever so little; if for the purpose of feeding cattle, he does not become liable unless he gathered as much as a goat's mouthful.

GEMARA: Of what use is a place where a man ploughed ever so little? It may be used to plant one seed of a cucumber in. This was also done at the Tabernacle, where one root was all that was necessary (for dyeing) and was pulled out of the ground, thereby making a hole. (This is not contradictory to what we have learned previously, that the minimum prescribed quantity for cucumber seeds was two, because a man will not take one cucumber seed out for sowing; but when sowing a separate hole is made for each seed and thus the prescribed quantity in this case is limited to one.)

"*One who ploughs, grubs, weeds, or prunes.*" The rabbis taught: One who tears out herbs (which when damp are good for human food) for the purpose of eating them is culpable if the quantity equals or exceeds the size of a dried fig. For cattle the prescribed quantity is that of a goat's mouthful. If for the purpose of using for fuel, the prescribed quantity is as much as is used to cook an easily boiled egg with; if for the purpose of cleaning (weeding) his place, he is culpable even for ever so little. Is all this kind of work not done for the sake of cleaning the place?* Said Rabba and R. Joseph: The Mishna treats of a case where even if the man was not standing in a garden belonging to an individual, but even if he did it in a public field (if his intention is to clean the place he is culpable). Abayi said: (The same is the case) even if he did it in a private field and had no intention to clean the place, as it did not belong to him but to some one else.

MISHNA: One who writes two letters, with the right or with the left hand, be they of one denomination or of different denominations, or be they written with different inks or be they letters of different languages (alphabets), is culpable. R. Jose said: The only reason that one is declared culpable for writing two letters, is because they can serve as marks; for thus the boards used at the Tabernacle were marked in order to be able to tell which fit together. Rabbi (Jehuda Hanassi) said: We

* This means that taking the things away cleans the place even unintentionally.

also often find a short name which forms part of a long name, as Sam for Simeon and Samuel, Noah for Nahor, Dan for Daniel, Gad for Gadiel.

GEMARA: It would be right if the Mishna were to say that if one write with his right hand he is culpable, because writing with the right hand is the general way; but writing with the left is entirely out of the ordinary. Why should he be culpable? Said R. Jeremiah: "The Mishna also refers to a left-handed man." A left-handed man? His left is his right and his right his left hand. Let him then not be culpable if he use his right hand! Said Abayi: In the case of the Mishna a man is referred to who has equal strength in both hands; but R. Jacob, son of the daughter of Jacob, said: The Mishna stands according to the decree of R. Jose that the reason of a man's culpability is because of the letters standing for marks, and the making of marks with either the right or the left hand is prohibited. How can the first part of the Mishna be according to the opinion of R. Jose—it teaches further, "R. Jose said"? If the latter part is explicitly attributed to R. Jose, the first part cannot be in accord with him. Nay; the entire Mishna is in accord with R. Jose (say then *because* R. Jose said).

"*Rabbi said: We also often find a short name,*" etc. What does Rabbi mean by this teaching? Shall we assume that one is culpable only if he wrote two letters representing two different names, but if the two were merely an abbreviation of one name he is not culpable? Did we not learn in a Boraitha: "It is written [Lev. iv. 2]: And do (of) any (one) of them." One might assume from this verse that the man is not culpable unless he wrote the entire name, or wove the entire cloth, or he finished the whole length of the seam, therefore it is written "of any (one) of them." Now, if we take "of any (one) of them" literally, the writing of even one letter or the weaving of even one thread should make one culpable! Therefore it is written: "Of any (*one*) of them." How should this be understood? One is not culpable until he writes a short name which forms part of a long name, like Sam for Simeon or Samuel, Noah for Nahor, etc., etc. Rabbi (Jehudah) said: The two letters need not be part of a long name, but even if the two form a name (of a thing) in themselves like: Shesh, teth, red, gag, choch. (shesh—lion, teth—to give, red—go below, gag—roof, choch—nose band.) Said R. Jose: Is then the man culpable because of writing? It is only because of making a mark, for thus were

the boards of the Tabernacle marked in order that one might tell which fit together. Therefore if one made but one scratch on two boards or two scratches on one board, he is culpable. R. Simeon quotes the same verse: "And do (of) any (one) of them." One might assume that the man is not culpable unless he wrote the entire name, etc. How should this be understood? One is not culpable until he has performed labor which is permanently fixed. Now in the Boraitha we see that R. Jehudah said the two letters need not be part of a name, but even if the two form a name. (Does not R. Jehudah contradict himself?) This presents no difficulty. In the above Mishna he gives his own opinion, while in the Boraitha he cites his master's opinion, because we have learned in another Boraitha: R. Jehudah said in the name of R. Gamaliel: "Even if the two letters are not part of a long name, but form a name in themselves, he is culpable. For instance: shesh, teth, etc."

Did not R. Simeon say the very same thing as the first Tana? Perhaps one might say that R. Simeon refers to one who wrote two letters that have no meaning and are part of a long word. For instance, Aa from Aazreko (I assisted you). In such a case R. Simeon would be the stricter and the first Tana the more lenient. Is this not contrary to R. Simeon's wont, as we have learned in a Tosephta further on: "If one bore a hole with a drill, be the hole ever so small, he is culpable," etc.? R. Simeon however declares him free until the hole made was as large as it was originally intended to be. Answer and interpret R. Simeon's words thus: One might say that one is not culpable until he writes the whole verse; therefore it is written "of any *one*," signifying that one word is sufficient.

"*Rabbi said: We also often find*," etc. How can the name of Sam be equal to Simeon? The (letter) Mem in Sam is an end (closed) letter, while the Mem in Simeon is an open (middle) Mem.* Said R. Hisda: From this we may infer that if one write by mistake an open Mem instead of a closed Mem in the scroll of laws, the scroll may be used.

The rabbis said to R. Jehoshua ben Levi: There were some young men at the schoolhouse to-day, and they related such wonderful things as were never taught before even in the time of Joshua the son of Nun. These are they: Aleph, Beth

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* The five Hebrew letters Khaf, Mem, Nun, Peh, and Tzadi are written differently at the end and in the centre of words.

means Oliph Bino (go and teach knowledge). Gimmel, Daled means Gmol (be bountiful) Dalim (to the poor). Why is the foot of the Gimmel pointed toward the Daled? Because so should be the feet of those who are bountiful—ever ready to seek beneficiaries. Why is the foot of the Daled pointed back toward the Gimmel? In order that the poor man may know that he must not conceal himself from his benefactor. Why does the Daled turn its face from the Gimmel? In order to teach us that the benefactor should give to the poor without ostentation and that the poor man be not abashed. Hey, Vav, Zayin, Cheth, Teth, Iod, Khaf, Lamad means: Hey Vav, which is the name of the Holy One, blessed be He; (Zayin) Zon—He will feed thee; (Cheth) Cheyn—will be gracious unto thee; (Teth) Tov—will be good to thee; (Iod) Ierushah—He will make thee inherit in the world to come; (Khaf) Khesser—He will give thee a crown; (Lamad) Leaulim haboh—in the world to come.

Mem open (middle) and Mem closed (end) means Meimar (sayings) Pathuach (open) [implying that there are such sayings of God as are open to every one]; but Meimar (sayings) Sathum (closed) [implying that there are sayings of God which are hidden to most men]. Noon curved (middle) and Noon straight (end) means Neamon (an upright man); Khaph (curved) [should be (curved) bowed down, modest in this life, and in the life hereafter he will become a Neamon] (an upright man) Pashut (straight). Samach means Smohch (assist). Ayin means aniim (the poor). Peh round (middle) and Peh straight (end) means Peh (a mouth) Pasuach (shall be open [to teach]); and Peh (mouth) Sasum (shall be closed [to slander]). Tzadi round (middle) and Tzadi straight (end) means Tzadik (a righteous man) should be modest and fearless (straight). Quph means Qodosh (holy), implying who does all, that has been mentioned, is holy. Resh means Roshoh (wicked), implying, who does the contrary is wicked. Why does the crown of the Quph look down upon the Resh? Just as the Qodosh (Holy One, blessed be He) looks down upon the Roshoh (the wicked), saying: Turn from thy ways and I shall also give thee a crown. Why does the foot of the Quph hang unsupported? In order to admit of the wicked entering into the Qudoshim (holiness) if he turn from his ways. Shin means Sheqer (a lie) and Thaph means Emeth (truth). Why are the letters of Sheqer so near to one another (the order of sequence in the alphabet is Resh, Quph, Shin) and

Emeth so far from one another (being the first, middle, and last letters of the alphabet)? Because lies are very frequent, while truth is very scarce. Why have the letters in Sheqer but one foot while those in Emeth have so many? Because lies will finally totter, while truth will stand supreme.

MISHNA: One who through forgetfulness at one time wrote two letters is culpable. He may have written with ink, paint, dye, gum, or vitriol, or with anything making a permanent mark. Further, one who wrote on two walls forming a corner, or on two covers of an arithmetical book, so that the two letters can be read together, is culpable. One who writes on his own body is culpable. One who tattooes letters in his flesh R. Eliezer holds him culpable for a sin-offering, and R. Jehoshua holds him to be free. If one write with dark liquids, with fruit-juice, or in road-dust, in fine sand, or in anything that does not retain the writing, he is free. If one write with the back of his hand, with his feet, with his mouth, with his elbow; or if one write one letter to another letter (that had already been written), or writes over letters that had been written before; or when one's intention was to write a Cheth and wrote two Zayins; or if one write one letter on the ground and another on the wall, or on two separate walls, or on two separate pages of a book, when the two letters cannot be read together, he is free. If one wrote one abbreviated letter, R. Jehudah ben Bethyra holds him culpable and the sages hold him free.

GEMARA: "*Or with anything making a permanent mark,*" etc. What other additional things does the Mishna mean to express by this? R. Hananyah taught: It means if one wrote with berry-juice or with gall-nuts, he is also culpable. R. Hyya taught: "If one wrote with graphite, soot, or black ink, he is culpable."

"*One who tattooes two letters on his flesh,*" etc. We have learned in a Boraitha: Said R. Eliezer to the sages: "Did not the son of Sattadai* bring witchcraft out of Egypt, through tattooing on his flesh?" Answered the sages: "He was a fool and we do not cite single instances of fools."

"*If one write one letter to another letter,*" etc. According to which Tana's opinion is this? Said Rabba bar R. Huna: "This is not according to the opinion of R. Eliezer, for R. Eliezer said that if one add another thread to one already

* As to who Ben Sattadai was, see the works of Prof. Derenbourg.

woven, he is culpable." We have learned in a Boraitha: "If one wrote one letter at the end of any scriptural book, thereby finishing that particular book, or if one added another thread to one already woven, he is culpable." According to which Tana's opinion is *this?* Said Rabba bar R. Huna: "This is in accordance with the opinion of R. Eliezer, who said that if one add another thread to one already woven he is culpable." R. Ashi said: We may assume that the opinion of the sages does not conflict with this opinion, because the case of finishing a book differs from that of adding another thread; hence, according to their opinion, one is also culpable (for finishing a book by adding one letter).

We have learned in a Boraitha: "If one corrected one letter in the Scroll of laws, he is culpable." How can this be? One is not held culpable for writing one letter; how can the Boraitha hold one culpable for merely correcting one letter? Said R. Shesheth: "Here a special case is treated of; *i.e.*, if one take off the top bar of the Cheth and make two Zayins out of it." Rabha said: The same is the case if, for instance, one remove the square portion of a Daled and form a Resh therefrom.

"*If one wrote one abbreviated letter,*" etc. R. Johanan said in the name of R. Jose ben Zimra: "Whence do we know that there are abbreviated letters in the Scriptures? As it is written [in Gen. xvii. 5]: Khi Ab Hamaun Goyim Nsathicha (For the father of a multitude of nations have I made thee). In the word Ab the Aleph is the abbreviation of Ab—father, and the Beth stands for bachur—selected; Hamaun stands for haviv —lovely, Melech—king, vathig—modest, neamon—upright. All this I have made thee among the nations." R. Johanan declares of his own accord: "The ten commandments commence with Anauchi when it could be Ani (meaning I am). The Anauchi is an abbreviation for Ano (I), Naphshi (my soul), Kthovith (I have written), Yehovith (and have given)."

MISHNA: If one, through forgetfulness at two different times, write two letters, say one in the morning and the other toward evening, R. Gamaliel holds him to be culpable and the sages declare him free.

GEMARA: On what point do R. Gamaliel and the sages differ? R. Gamaliel does not consider the consciousness (of its being Sabbath) during the time intervening between the perpetration of the two acts (each of which executed only half the

prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). The sages, however, consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts and thus make the perpetrator not culpable.

CHAPTER XIII.

REGULATIONS CONCERNING WEAVING, TEARING, HUNTING, ETC., ON THE SABBATH.

MISHNA: R. Eliezer said: One who weaves (on the Sabbath) is culpable, as soon as he has woven three threads at the beginning of the web, and with a web already begun the addition of one thread suffices to make him culpable. The sages said: Both at the commencement of a new web, as well as at the continuation of one already begun, the prescribed quantity (making one culpable) is two threads. One who attaches two threads to the web, either to the warp or to the shoot, to the fine or to the coarse sieve, or to the basket, is culpable. Also one who sews two stitches, or tears asunder, in order to sew (together with) two stitches.

GEMARA: When R. Itz'hak came to Babylon, he taught that R. Eliezer said "two threads and not three," as stated in the Mishna. But we learned three! This is no contradiction. R. Itz'hak refers to thick threads and the Mishna to thin.

"*One who attaches two threads,*" etc. Said Abayi: This means, one who attached two threads *to* the web and one *in* the web.

"*One who sews two stitches,*" etc. Was this not taught in the Mishna treating of the principal acts of labor? Because in the succeeding Mishna the rule is taught concerning one, who tears while in a rage, or through grief at the death of a near relative, sewing and tearing is repeated in this Mishna.

"*Or tears asunder in order to sew together with two stitches.*" How is this to be imagined? (If by tearing the thing one means to spoil it, he may tear even as much as will require any number of stitches and not be culpable, but if he tears in order to sew together with two stitches and thus improve the thing, how can that be done?) This can be done in the case of a piece of cloth protruding from a garment, which one would tear off, and then sew up the remaining rent.

MISHNA: One who tears a thing while enraged, or through

grief on account of his dead, and, in general, all who spoil a thing are *not* culpable. If, however, one destroy a thing with the intention to mend it, the prescribed quantity (making him culpable) is determined according to the prescribed quantity of the act by which it is mended. The prescribed quantity of wool when being washed, carded, dyed or spun is a thread the length of a double sit;* in the weaving the prescribed quantity for wool is the breadth of one sit.

GEMARA: There is a contradiction: We have learned in a Boraitha: One who tears a thing while in a rage, or through grief, or through mourning for the dead, is culpable, and although he desecrates the Sabbath, the duty of tearing (ordained in cases of mourners for the dead) is fulfilled. This presents no difficulty. The Boraitha treats of the case of a man who tore his garment on account of the death of one on whose account it was his duty to tear his garment, while the Mishna treats of the case of a man who did not do so for duty's sake, but on account of a death of a stranger, and this not being his duty, he merely spoiled his garment. How can you say, that the Mishna treats of a man who tore his garment on account of the death of a stranger; it says distinctly *his* dead? Yea, it says his dead, but he has such relatives, on whose account he need not tear his garment; (though it may be his duty to bury them, he being the nearest living relative; and tearing one's garment becomes a duty only in the event of the death of a father, mother, son, daughter, brother, or sister). Now, there is no contradiction then as far as mourning for the dead is concerned, but there surely is as regards one who is enraged? In the Boraitha he is held culpable and in the Mishna he is not? Here also there is no difficulty: The Mishna's statement is in accord with R. Simeon's decree, who holds, that one is not culpable of performing a deed not for its own sake, while the Boraitha is in accord with the opinion of R. Jehudah, who holds one culpable of performing work even *not* for its own sake. But you have heard that R. Jehudah's opinion only applied to an act by which a thing was mended? Did you also hear that he decreed thus in the case of where a thing was destroyed? Said R. Abhin: "This is also a case of mending, because it relieves the man's

* The length of a sit is the distance between the first and middle finger of the hand when stretched taut. A double sit is the distance between the thumb and forefinger when stretched farthest apart.

mind; and while he may spoil the garment at the same time he abates his fury." Is such action permitted? Have we not learned that R. Simeon ben Elazar said in the name of 'Hilpha bar Agra, quoting R. Johanan ben Nuri: "He who tears his garments in his fury, or he who breaks his vessels, or he who throws away his money while in a rage, shall be regarded in your eyes as a worshipper of idols, because such is the custom of the misleader: To-day he says to one, 'Do *so*,' to-morrow 'Do something else,' until he tells one to go and worship idols and the man does so." R. Abhin added to this: "Where can a Scriptural passage be found prohibiting this? [Psalms lxxxi. 10]: 'There shall not be among thee a foreign god; nor shalt thou bow thyself down to any strange god.' This means that no foreign god (misleader) shall be in thy heart, because it says Becho (in thee). The latter part of the verse infers, that if he allows the misleader to dwell in his heart it will bring him to bowing down to idols." Such action is permitted only when a man is not in an actual fury, but wishes to appear as if enraged in order to command obedience (from his family), as R. A'ha bar Jacob used to do; viz.: "When he wanted to show displeasure at the deeds of his family, he would take up a broken vessel and shatter it, making his family believe that he was furious and was breaking whole vessels."

Said R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara:* The tears shed by a man on account of the death of an upright man are counted by the Holy One, blessed be He, and stored in His treasury, as it is written [Psalms lvi. 9]: "My wanderings hast Thou well numbered: put Thou my tears into Thy bottle, behold they are numbered by Thee." R. Jehudah in the name of Rabh said: "One who is slow to mourn the death of a scholar deserves being buried alive, as it is written [Joshua xxiv. 30]: 'And they buried him on the border of his inheritance at Thimnah-serach, which is on the mountain of Ephraim, on the north side of Mount Ga'ash.' Ga'ash signifies storm, and from this it is inferred, that because the people did not mourn the death of Joshua the mount stormed and tried to bury them alive."

Said R. Hyya bar Aba in the name of R. Johanan: "One

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* Because mourning for one's dead is treated of in the last paragraph, the following discussions relating to mourning for upright men in general are held and the opinions of the different teachers cited.

who is slow to mourn the death of a scholar will not have long life. This is in retaliation; (because he did not mourn the death of the scholar, his own death will be hastened), as it is written [Isaiah xxvi. 8]: 'In measure, by driving him forth, thou strivest with him.'" R. Hyya bar Aba objected and said to R. Johanan: How canst thou say, that one who is slow to mourn the death of a scholar will not have long life? Is it not written [Judges ii. 7]: "And the people served the Lord all the days of Joshua, and all the days of the elders, that lived many days after Joshua, who had seen all the great deeds of the Lord, which he had done for Israel"? R. Johanan answered: "Thou Babylonite! Does the verse say, that lived many years? It only says many days!" Now, according to R. Johanan's argument, does the verse [Deut. xi. 21]: "In order that your days may be multiplied, and the days of your children," etc., also mean days and not years? In this verse it is different. Where a blessing is conferred days *and* years are meant.

R. Hyya bar Aba said again in the name of R. Johanan: "If one brother die, let the remaining brothers take care that *they* do not die. Or if a member of a society die, let the other members take care that *they* die not." This means: if the best one among them die; another says, on the contrary, if the least one among them die.

"*The prescribed quantity of wool*," etc. R. Joseph showed the extent of a double sit as being twice the distance between the fore and the middle finger when spread out, and R. Hyya bar Ama showed its extent as being the distance between the thumb and the forefinger when spread out.

MISHNA: R. Jehudah said: "One who chases a bird into a bird-tower or a deer into a house is culpable." The sages said: "One who chases a bird into a bird-tower, a deer into a house, yard, or into a menagerie, is culpable." Said R. Simeon ben Gamaliel: "Not all menageries are equal. Following is the rule: Where another chase would be necessary (to catch the deer) one is not culpable; where no further chase is necessary, one *is* culpable."

GEMARA: The rabbis taught: One who caught a blind or a sleeping deer is culpable, but if the deer is lame, sick or old he is not culpable. Said Abayi to R. Joseph: "What difference is there between the two?" Answered R. Joseph: "A blind or a sleeping deer, as soon as touched, would attempt to escape, whereas a lame or a sick animal could not do this." Have we

not learned in a Boraitha, that one who caught a sick deer is culpable? This presents no difficulty. The rabbis refer to a deer sick with fever (when it was impossible for it to move), while the Boraitha refers to sickness arising from over-exertion.

MISHNA: If a deer run into a house and one lock (the doors) behind the deer, he (the man) is culpable. If two men lock (the doors) both are free. If one of them could not lock (them) himself and *both* did so, they are both culpable. R. Simeon declares them free. If one sit down at the entrance of the house without filling it up and another sit down beside him, thus filling up the gap, the latter is guilty. If the former sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable, and the latter free; for this is the same as if one locked his house to preserve its contents and a deer were on the inside.

GEMARA: R. Jeremiah bar Aba in the name of Samuel said: One who catches a lion on the Sabbath is not culpable until he brings him into his cage.

R. Aba said in the name of R. Hyya b. Ashi, quoting Rabh: "If a bird flew under a man's coat-skirt, the man may keep it there until dark." R. Na'hman b. Itz'hak objected: From the above Mishna, "If a man sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable and the latter is free," would we not assume, that the man is free (*i.e.*, he need bring no sin-offering) but he should not have done it in the first place? Nay; it means he is free and may do so to commence with. This seems to be borne out by the latter part of the Mishna, viz.: "For this is the same as if one locked his house to preserve its contents and a deer were on the inside." It is certainly allowed to close the house on a Sabbath and hence, being the same as locking the house, it is allowed in the first place.

Said Samuel: "At all times when it is taught, that one is not culpable of performing work on the Sabbath, it is meant that, while he is not culpable, he must not perform such work to commence with, excepting in the three following instances: One of the three has just been mentioned (concerning the deer); the second is, when one lances a wound on the Sabbath; if the intention is to extract the pus contained in the wound, he is not

culpable, and may do so in the first place; as we have learned in a following Mishna, that a sewing needle may be used to remove a splinter from the flesh; the third is, when one catches a snake on the Sabbath and he did so in order to escape being bitten, he is not culpable and may do so to commence with, as we have learned in a preceding Mishna, that one may put a vessel over a serpent, in order to escape being bitten."

CHAPTER XIV.

REGULATIONS CONCERNING THE CATCHING OF REPTILES, ANIMALS AND BIRDS.

MISHNA: One who catches or wounds any one of the eight kinds of reptiles enumerated in the Scriptures (Lev. xi. 29–30, viz.: the weasel, the mouse, the tortoise, the hedgehog, the chameleon, the lizard, the snail and the mole) is culpable; one who wounds worms or any other kind of reptiles (not enumerated above) is free. One who catches them for a purpose is culpable; he who does so without the intention (to use them) is free. He who catches such animals or birds as are within his domain is free, he who wounds them is culpable.

GEMARA: From the teaching of the Mishna that the reptiles (enumerated above) must not be wounded, it is evident that such reptiles must be possessed of a skin (which can be wounded). According to whose opinion is this? Said Samuel: "This is according to the opinion of R. Johanan ben Nuri; for he so stated (in Tract Chulin). Rabba bar R. Huna, however, in the name of Rabh said: It may also be assumed that the Mishna is in accord with the rabbis, who disagree with R. Johanan ben Nuri only where defilement is concerned, but who agree with him as to Sabbath. And as regards the Sabbath they (the rabbis) do not disagree with R. Johanan. Have we not learned in a Boraitha, that one who caught one of the eight kinds of reptiles enumerated in the Scriptures, or who wounds them, is culpable and that this applies only to such reptiles as have skins, and only such a wound is called incurable which has been produced by the blood clotting in the skin and remaining there, even when no blood came to the surface? R. Johanan ben Nuri, however, states, that all the eight reptiles enumerated in the Scriptures have skins (and therefore one who wounds any of them is culpable; hence we see that they disagree even as regards the Sabbath). Said R. Ashi: The first Tana of the mentioned Boraitha, at variance with R. Johanan, is R. Jehudah, who stated, that there are among the eight such as have no

skin; but the other rabbis, who differ with R. Johanan, where defilement is concerned, do *not* disagree with him in regard to Sabbath. Then why is it stated, that "R. Johanan ben Nuri, however, states, etc.," as if he opposed the rabbis? Read: "Thus states R. Johanan ben Nuri and his opponents."

"*Or any other reptiles.*" How is it, if one kills them? Is he culpable? The Mishna must be understood that if one only wounds them he is *not* culpable, but if he kills them he *is* culpable? According to whose opinion is this? Said R. Jeremiah: "This is according to the opinion of R. Eliezer, as stated in the first chapter" (page 22). R. Joseph opposed this: "Thou sayest, according to the opinion of R. Eliezer? The rabbis only differ with R. Eliezer when such reptiles as are incapable of breeding are concerned (for then they are not considered as actual living beings); but as to reptiles that are capable of breeding, they also agree, that one who kills them (on the Sabbath) is culpable (because that would be taking life, and taking life is prohibited on the Sabbath).

"*One who catches them for a purpose is culpable; he who does so without any intention (to use them) is free.*" According to whose opinion is this teaching? Said R. Jehudah in the name of Rabh: It is according to the opinion of R. Simeon, who states, that any work not committed for its own sake does not make one culpable.

Samuel said: "One who takes a live fish out of the water, is culpable as soon as a part of the fish as large as a Sela has become dry (because then the fish cannot live)." Said R. Jose bar Abhin: Samuel means to say, that he is not culpable unless a place as big as a Sela become dry under its fins, and not on its body.

Mar bar Hamduri in the name of Samuel said: "If one thrust his hand into the entrails of an animal and displaced a fœtus, that may have been there, he is culpable." Why so? Said Rabha: Mar bar Hamduri explained this to me as follows: Did not R. Shesheth say, that if a man tore out flax from among the thorns surrounding it, he is culpable, because he removed a thing whence it grew? So also in this case he is culpable because he displaced the fœtus whence it grew. Said Abayi: The same is the case with one who tore out a mushroom which grows near a vessel filled with water, because he removed an object whence it grew. R. Oshiyah objected: Did we not learn that one who tears out a thing from a flower-pot, which is

not perforated, is not culpable, but from a perforated flower-pot he is culpable. Why should he be culpable in this case? Because a thing does not grow in a flower-pot which is not perforated, as a rule; but in this case it grows in its usual way.

"*He who catches such animals or birds as are within his domain,*" etc. R. Huna said: "It is allowed to write Tephillin on the skin of a bird which is ritually clean." Said R. Joseph: "What would he inform us? That a bird has a skin? This is taught in the Mishna, for it says, he who wounds a bird is culpable." Said Abayi to R. Joseph: "He informs us of a very important matter. From the Mishna we would simply know that the bird, having a skin, must not be wounded, but we might think, that such a skin, being porous, must not be used for Tephillin. Hence he informs us, that it may also be used for Tephillin, as it was said in Palestine that pores which do not permit of ink soaking through cannot be considered as pores."

Mar the son of Rabhina asked of R. Na'hman bar Itz'hak: "Is it allowed to write Tephillin on the skin of a fish which is ritually clean?" R. Na'hman answered: "This can only be decided by Elijah; when he comes again, he will decide whether it is allowed or not."

Samuel and Qarna were sitting on the banks of Lake Malka. Samuel noticed that a ship was struggling with the rough waters and a man was suffering in consequence. Said Samuel to Qarna: "It seems to me, that a great man is coming from Palestine and that he is sick at the stomach. Go and see what ails him." He went and found Rabh on the ship, and asked him: "Whence do we know that Tephillin may be written only upon the skin of a ritually clean animal?" Rabh answered: "It is written [Exod. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as thou mayest take into thy mouth." Qarna asked him again: "How do we know that blood is red?" Rabh answered again: "Because it is written [II Kings iii. 22]: 'The Moabites saw the water at a distance as red as blood.'" (In the meantime Rabh felt that Qarna was quizzing him.) He asked him, "What is thy name?" He answered: "Qarna." Said Rabh: "A Qarna (thorn) be in thy eyes!" Finally Samuel took Rabh to his own house, gave him barley-bread, small fishes, milk and such things as tend to produce looseness of the bowels, but did not show him the place to excrementize in. So

Rabh cursed him and said: "May the one who wishes to make me suffer, not be able to rear his children." So it was.

The rabbis taught: It is allowed to write Tephillin on the skins of (ritually) clean animals and creatures, also upon the skins of such as died a natural death and were not slaughtered, and it is an ordinance (instituted) by Moses at Sinai, that the Tephillin are wound in the hairy hide of such animals, whence the skin may be taken, and are sewed with the veins of such animals; but it is not allowed to write Tephillin on the skins of (ritually) unclean animals and creatures, whether such animals were slaughtered or naturally expired. This question was asked by a Bathusee of R. Joshua of the city of Garsi. "Whence do we know that Tephillin must not be written on the skin of an unclean animal?" "From the passage [Lev. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as a man may put into his mouth." "According to thy argument," said the Bathusee, "Tephillin should not be written on the skin of a (ritually) clean animal, that died a natural death (because it must not be eaten also)." Answered R. Joshua: "I will give thee an instance of two men, who incurred the death penalty. One was duly executed, while the other died at the moment that he reached the gallows. Which is preferable? Certainly the natural death. In this case also, why should the skin of the animal that died a natural death not be used for writing the Tephillin thereon?" "According to that, then," said the Bathusee, "why should it not be eaten also?" Answered R. Joshua: "It is written [Deut. xiv. 21]: 'Ye shall not eat anything that dieth of itself,' and thou wouldst that it should be eaten." Answered the Bathusee: "*Kalos*" (Greek *Κάλος* = nice, well).

MISHNA: It is prohibited to prepare brine on Sabbath, but the making of salt water, in order to dip one's bread into it, or to use for seasoning other dishes is permitted. Said R. Jose: Is this not brine? (What is the difference?) be it more or less salted? Only the following kind of salt water may be made: If oil is first put into the water or into the salt.

GEMARA: How should the Mishna be understood? Said R. Jehudah in the name of Samuel: "It is not permitted to make a great deal of salt water, but a little may be made."

"*Said R. Jose: Is this not brine? Be it more or less salted.*" The schoolmen asked: "Does R. Jose, by making that state-

ment, mean to say that both should be prohibited or that both be allowed?" Said R. Rabba and also R. Johanan: "R. Jose meant to say, that both should be prohibited." We have also learned this in a Boraitha: "One shall not make a great deal of salt water in order to put it into a Gistar (a large vessel) filled with things requiring a soaking; but he may make a little salt water to dip his bread into it or use it for seasoning other dishes. Said R. Jose: 'Because one is more and the other less salted the former should be prohibited and the latter should be permitted; then one might say that a greater act of labor should be prohibited and a smaller one permitted? Therefore, I say, both are not allowed, but it becomes permissible, if oil is put into the water or into the salt, the main thing is that one should not mix water and salt to commence with.'"

R. Judah bar Haviva taught: "One shall not make salt water very strong." What does he mean by "very strong"? Rabba and R. Joseph bar Aba both said: "If one put an egg into the water and the egg float it is strong salt water." How much salt must be used for such water? Said Abayi: "Two-thirds salt and one-third water." For what purpose can that be used? For fish-brine.

The same Judah b. Haviva taught: "One must not salt pieces of radishes and eggs on the Sabbath." R. Hizkyah in the name of Abayi said: "Salting radishes is not allowed, but salting eggs is."

The same Judah b. Haviva taught: "If citrons, radishes and eggs are eaten without the peel (in the case of an egg, the yolk without the white), they remain in the stomach."

Rabhin walked behind R. Jeremiah on the banks of the sea of Zidon. Rabhin asked R. Jeremiah: "Is it allowed to wash one's self in this water on Sabbath?" R. Jeremiah said: "Yes, it is." Asked Rabhin again: "How is it if a man who is bathing in this water, opens and closes his eyes, so that the water has access to the eyes?" Answered R. Jeremiah: "I never heard of just such a case, but of one similar to it. I heard R. Zera say at one time in the name of R. Mathne, another time in the name of Mar Uqba, both of whom said, that the father of Samuel differed with Levi and that one of them said, that pouring wine *on* the eyes as a remedy is allowed but pouring wine *into* the eyes is not allowed, while the other said that the saliva of a man who had not broken his fast is a remedy for the eyes and must not even be put on the eyes; but Mar Uqba in the name

of Samuel said: A man may soak a medicament for the eyes on Friday in water and may then use the water on Sabbath with impunity."

Bar Levayi was standing before Mar Uqba, and saw the latter opening and closing his eyes, so that the medicinal water may have access to them. Said he to Mar Uqba: "So much Mar Samuel did *certainly* not permit!"

R. Yanai sent to Mar Uqba a request: "Let master send us the eye-salve prescribed by Samuel for sore eyes." Mar Uqba answered: "I send it to you, so that you do not think me parsimonious, but Samuel said, that bathing the eye in cold water in the morning and bathing the hands and feet in warm water at night is better than any medicine for the eye in the world." The same we have learned in a Boraitha: by R. Muna in the name of R. Jehudah.

The same R. Muna used to say: "As soon as a man rises and his hand touches his eye, nose, mouth, ear or a vein, it had better be chopped off. The same should be done with a hand that touches a pitcher used for beer, before it (the hand) is washed, because such a hand causes blindness, deafness and bad odors."

We have learned: R. Nathan said: "The eye is (like) a princess and it hurts her to be touched by a hand that has not been washed three times." R. Johanan says: "Puch (a precious stone or a certain kind of paint*) applied to the eye, stills its wrath, dries its tears and causes its lashes to grow."

Mar Uqba said: "One who (accidentally) injured his hand or foot so that blood flowed (on the Sabbath) may steep them in wine in order to stop the flow, with impunity." The schoolmen asked: "May he do this in vinegar also?" Said R. Hillel to R. Ashi: "When I attended the school of R. Kahana, it was said, that it is not allowed in vinegar." Said Rabha: "And the men of the city of Me'hutza, who are very delicate, are generally cured by wine the same as other people are by vinegar."

It happened, that Rabhina came to the house of R. Ashi and saw the latter, having had his foot trodden upon by an ass, soaking it in vinegar. Said Rabhina to him: "Does not the Master coincide with R. Hillel, who said, that soaking in vinegar is not allowed?" R. Ashi answered: "With a wound on the instep

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* See II Kings ix. 30, Isaiah liv. 11 and I Chronicles xxix. 2.

of the foot and the back of the hand it is different, because R. Ada b. Mathne said in the name of Rabh, that a wound on the back of the hand and on the instep of the foot is equal to an internal wound and the Sabbath may be desecrated on its account."

The rabbis taught: "One may wash his body in the waters of Gror, Chamtan, Essia and Tiberias (all of which are salt waters), but it is not allowed to bathe one's self in the Great Sea and not in water used for soaking flax, also not in the sea of Sodom." Is this not contradictory to what we have learned in the Boraitha, viz.: "One may bathe in the Tiberias and in the Great Sea, but not in water used for soaking flax and in the sea of Sodom." This presents a difficulty; for in the Boraitha bathing in the Great Sea is permitted, while the rabbis prohibit it. Said R. Johanan: There is *no* difficulty. One Boraitha is in accordance with the opinion of R. Meir, while the other is in accord with the opinion of R. Jehudah (who differ in Tract Mikva'ath, Chapter V., Mishna 6). R. Na'hman bar Itz'hak opposed this, and said: "They differ only as regards defilement, but have ye heard that they also differ concerning the Sabbath?" Hence R. Na'hman bar Itz'hak explained this otherwise. He said, that the Boraitha which does not permit bathing in the Great Sea refers to one who stays in the water some length of time (and it is obvious that this is done on account of his health). Now, if we say, that the one Boraitha refers to a man who stays in the water for some time, we must assume, that the other Boraitha refers to one who does not stay long, and if this is so, why should not the one (who does not stay long) be permitted to bathe even in the water used for soaking flax? Have we not learned in another Boraitha: "One may bathe in the Tiberias, in flax-water or in the sea of Sodom, even if his head be scrofulous, provided he does not stay long in the water"? Therefore we must explain, that the difficulty existing between the two former Boraithas concerning the Great Sea is: that the one prohibiting bathing in the Great Sea refers to bad water which is not usually used for bathing, while the other refers to the good water generally used by bathers and in both the case refers to one who stays in the water for some time.

MISHNA: It is not allowed to eat Greek hyssop (a remedy for worms) on the Sabbath, because it is not food for healthy people. It is allowed, however, to eat yoeser (wild rosemary) and to drink shepherd-blossom (tea, an antidote for poisonous

beverages). It is permitted to partake of all usual eatables and beverages on the Sabbath as medicaments with the exception of tree-water (water of a certain spring) and root-tea (a compound of gum, herbs, and powdered roots), because the two latter serve only as a remedy for jaundice. At the same time it is permitted to drink tree-water to quench one's thirst, and one may anoint himself with root-oil but not as a remedy.

GEMARA: "*It is allowed, however, to eat wild rosemary,*" etc. For what purpose is it eaten? To drive out worms in one's liver. What is it eaten with? With seven white dates. What does the illness (requiring this remedy) arise from? From the eating of meat broiled over live coals and the drinking of water immediately after the eating on an empty stomach or from eating fat meat, beef, nuts or Rapa-twigs when eaten on an empty stomach and immediately washed down with water.

The mother of R. A'hadboy b. Ami made a remedy for a man who had imbibed poison of an adder by cooking laurel leaves in a cupful of beer, giving it to the man to drink, then clearing out the coals from a burning hearth, placing a brick on the hearth and making him sit on that brick until the poison left the man in the shape of a green fern. R. Ivia said, that she did not cook the laurel leaves in beer but in a quarter lug of milk of a white goat.

One who swallowed a (small) snake should eat kostos (an Indian root of which a precious salve was made, called in the Bible onycha) in salt and should run three miles. R. Simeon b. Ashi once saw a man who had swallowed a snake, so he disguised himself as a Persian horseman, called to the man, compelled him to eat kostos with salt, then chased him for three miles. In consequence of fright the man then vomited the snake piece by piece.

One who was bitten by a snake should get a bearing (female) ass, tear her open, take out the fœtus, and apply it to the wound.

One who was encircled by a snake should run to the water, take a basket, place it over the snake's head, and as soon as the snake winds itself around the basket, throw it into the water and escape.

One who is pursued by a snake should, if he is in company of a friend, jump on the friend's back and have the friend carry him at least four ells so as to hide the scent of his footsteps, or, if alone, should jump over a stream or pond of water. At

night he should place his bed on four empty casks, then tie four cats to the casks, and sleep in an unroofed space. He should also place a lot of twigs and dry branches in front of his bed, so that if the snake glide among them they will rustle, in which event the cats will hear the noise and devour the snake. If one is pursued by a snake, he should run to a sandy place, where it is hard for a snake to glide.

"*It is permitted to partake of all usual eatables,*" etc. What does the Mishna mean to add by the word "all"? A milt, which is good for the teeth (although it is bad for a weak stomach), or bran, which is good for the stomach (but bad for the teeth). What does the Mishna mean to add by the word "all," referring to beverages? Water of Izlat (Kaffir-corn) boiled with vinegar.

"*With the exception of tree-water.*" We have learned in a Boraitha: "With the exception of prickly water." One who teaches prickly water does so because the water pricks the gall, and one who teaches tree-water refers to water running out of two trees? What does he mean by this? Said Rabba bar Brona: "There are two date-trees in Palestine that are called Thalai, and between them is a spring of water; the first cup of this water produces a weak sensation in the stomach, the second cup purges and the third leaves the stomach as clear as when imbibed." Said Ula: "I drank the Babylonian beer with better effects than that tree-water, but it is only then effective if drunk for the first time in forty days. R. Joseph said: "The water called prickly water above is Egyptian beer, which is one third barley, one third wild saffron, and one third salt." R. Papa said: It is one third wheat, one third wild saffron, and one third salt, and it should be drunk between Passover and Pentecost, when it will relieve constipation and stop diarrhœa.

"*And root-tea.*" What is root-tea? Said R. Johanan: It is made of Alexandrian gum, alum, and garden saffron, each the weight of one Zuz, and ground together. To one who suffers with too frequent menstruation, three cups of this tea should be given in wine, and she will not be barren. For jaundice two cups are to be administered, in beer, but the patient will be barren ever after. May this be done? Have we not learned in a Boraitha: Whence do we know that castrating a man is prohibited? From the passage [Lev. xxii. 24]: "And in your land shall ye not make the like." Which means, ye shall not do this on your own bodies. So said R. Hanina?

This is said only in reference to one who has the intention of making one a eunuch, but not with reference to one who administers the remedy for jaundice, and incidentally makes one impotent; as R. Johanan said: "One who wishes to castrate a cock shall cut his comb, and thus the cock will become impotent." Did not R. Ashi say, that a cock whose comb is cut off is not rendered impotent thereby, but, being very proud, will have no more coition with hens on that account? Were he actually rendered impotent, it would not be allowed to remove his comb, for it is written [ibid.]: "And in your land shall ye not make the like." It is allowed to give a man two cups of root-tea for jaundice, providing he was already impotent. But even this is prohibited (in Menachoth 56)! Say rather it may be given to a woman who is not subject to the command of bearing children.

MISHNA: One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved thereby, he need have no fear of the consequences. One who has pains in his loins must not rub them with wine or vinegar, but may anoint them with oil; not with rose-oil, however. Children of princes may anoint their wounds even with rose-oil, because it is their wont even on week-days to anoint themselves with rose-oil. R. Simeon said: "All Israelites must be considered as children of princes."

GEMARA: R. Aha bar Papa asked R. Abuha concerning the following contradiction: "The Mishna teaches, that one who has a toothache must not gargle with vinegar, implying thereby, that vinegar is a remedy for toothache, and still we find in the passage [Proverbs x. 26]: 'As vinegar is to the teeth, and as smoke is to the eyes.'" This presents no difficulty. The Mishna refers to an injured tooth, whereas the passage refers to sound teeth, which are put on edge by vinegar.

"*Must not gargle vinegar.*" Have we not learned in a Boraitha, that it is not allowed to gargle vinegar and then spit it out, but if swallowed afterwards gargling is allowed? Said Abayi: Such is also the intent of the Mishna, meaning, if he spit out after gargling.

"*One who has pains in his loins,*" etc. Said R. Aba b. Zabhda in the name of Rabh: The law according to the opinion of R. Simeon prevails. Shall we assume that Rabh holds with R. Simeon? Did not R. Simi bar Hyya say in the name of Rabh, that a bung-head tied around with a piece of cloth must not be hammered into a barrel on a festival (because the barrel being

full of wine, the cloth will absorb some, and by being pressed into the hole the wine absorbed will run out, and wringing a thing is not allowed), although the wine runs out of its own accord, and not through the intention of the man; but according to R. Simeon this would be permitted? Where an act is concerned which will most certainly be consummated, even without the agency of man, as the head of a creature being removed, death must surely follow, R. Simeon also admits, that it is not allowed. We have learned elsewhere, however, explicitly, that Hyya bar Ashi said, that Rabh holds according to R. Jehudah, and Samuel according to R. Simeon? (How can it be said that Rabh holds with R. Simeon?) Said Rabha: I and the lion of our society (*i.e.*, R. Hyya bar Abhin) explained this as follows: The ordinance prevails according to R. Simeon, that (rose-oil) is allowed, but not for the reason advanced by R. Simeon. R. Simeon says, that all Israelites are considered as princes, and therefore, even in such places where rose-oil is very costly, one may also anoint himself with it; but Rabh says it is allowed, because, where *he* (Rabh) resided, rose-oil was very cheap (but where it is costly it is not allowed).

CHAPTER XV.

REGULATIONS CONCERNING THE TYING AND UNTYING OF KNOTS ON THE SABBATH.

MISHNA: Following are the knots for the tying of which one becomes culpable. The knot of the camel-drivers (made on the guiding-ring) and the knot of the seamen (made on the bow of a ship); just as one becomes culpable for tying them, so also one becomes culpable for untying them. R. Meir said: "One does not become culpable for any knots that can be untied with one hand."

GEMARA: What is the meaning of a knot of the camel-drivers and a knot of seamen? Shall we assume, that by such a knot is meant the one that is tied in attaching the guiding-line suspended from the nose-ring of a camel to something else, and also the knot made in attaching the hawser of a ship to a capstan on the dock? (Such knots are not permanent, why should the tying of them be prohibited?) Nay; by that knot is meant the one made in attaching the guiding-line to the nose-ring and the hawser to the ship itself (both of which are permanent knots).

MISHNA: There are knots on account of which one does not become culpable, as in the case of a camel-driver's or seaman's knot. A woman may tie the slit of her chemise, the bands of her hood, the bands of her girdle, the straps of her shoes and sandals; also the bands of leather flasks (filled) with wine or oil, and of a pot of meat. R. Eliezer, the son of Jacob, says: "One may tie a rope in front of cattle, in order that they may not escape." One may tie a bucket (over the well) with his girdle, but not with a rope. R. Jehudah permits this to be done with a rope also. For a rule was laid down by R. Jehudah: One is not culpable for any knot which is not permanently fastened.

GEMARA: Is there not a difficulty in understanding the Mishna itself? The first part states, that there are knots on account of which one does not become culpable, etc., imply-

ing, therefore, that, while one who ties them does not become liable for a sin-offering, at the same time he must not do it to commence with. The latter part, however, says, that a woman *may* tie the slit of her chemise, etc., implying, then, that she may do it in the first place? The Mishna means: There are some knots for the tying of which one does not become culpable, as in the case of the knots of the camel-drivers, etc., and they are: The knots by means of which the guiding-line is attached to the nose-ring, and the knots by means of which the hawsers are attached to the ship itself. For tying such knots one does not become liable for a sin-offering, but he must not make them to commence with (because at times the knot is left on the nose-ring or on the ship for some time), and there are other knots which *may* be tied in the first place, such as the slit of a woman's chemise, etc.; what would he inform us? Is it not self-evident, that a woman must tie the slit in her chemise. The case treated of is where a chemise has two slits, an upper and a lower, and it can be put on (over the head) even if the lower one is tied. We might assume, then, that only the upper one of the slits would be permitted to be tied; he therefore informs us, that both the upper and the lower may be tied and untied.

"*The bands of her hood.*" Is this not self-evident? The case is, that the bands of the hood are always tied, and the woman slips on the hood without untying or tying the bands, and we might assume that for this reason the knot is considered permanent; he therefore informs us, that if a hair become entangled in the hood, the woman may tie and untie the bands.

"*The straps of her shoes and sandals,*" etc. R. Jehudah, the brother of R. Sala the Pious, had a pair of sandals, which were sometimes worn by him and sometimes by his child. He came to Abayi and asked him whether he might tie and untie them (on Sabbath). Said Abayi: "He who does this unintentionally becomes liable for a sin-offering." Said R. Jehudah to him: "If thou hadst said, that one is not culpable for doing this, but that it must not be done to commence with, it would seem strange to me; thou sayest now, that one is liable for a sin-offering." Asked Abayi: "Why so?" Answered R. Jehudah: "Because on week-days I sometimes also wear the sandals, and (if my child wishes to use them) I untie them and adjust them to the child's foot." Answered Abayi: "If such be the case, they may be tied or untied (on the Sabbath) to commence with."

R. Jeremiah was walking behind R. Abuha on unclaimed ground, and the band of his sandal having been torn off, he asked R. Abuha what to do. R. Abuha told him to take damp seaweeds, which an animal can eat (and which may therefore be handled on Sabbath), and tie his sandal.

Abayi stood before R. Joseph in private ground, and the band of one of his sandals becoming torn off, he asked R. Joseph what to do. Said R. Joseph: "Leave thy sandal here and walk without it." Asked Abayi: "Wherein does my case differ from that of R. Jeremiah?" Answered R. Joseph: "R. Jeremiah's sandal was torn off in unclaimed ground, where, had he left it, it would have been lost, but thine is in my yard and will be safe." Said Abayi: "But the sandal is a perfect vessel; for I can put it on my other foot and then it will not fall off. Why should I not be permitted to handle it?" R. Joseph answered: "Because we learned elsewhere in regard to Chalitzah that R. Johanan interpreted a Boraitha in accordance with R. Jehudah, who says, that if the band of a sandal was torn off, the sandal cannot be regarded as a vessel. We must assume, therefore, that the ordinance according to R. Jehudah prevails."

"*Also the bands of leather flasks filled with oil or wine,*" etc. Is this not self-evident? The case treated of is where the flasks had two mouths, and lest we assume that only one of them may be tied and untied, he informs us that both may be tied.

"*And of a pot of meat.*" Is this not self-evident? The Mishna means to state, that even if the pot have an opening at the bottom it might be assumed that the knot tied around the mouth of the pot is permanent and should not be untied. We are informed that it may be untied, nevertheless.

"*R. Eliezer, the son of Jacob, said,*" etc. Is *this* not self-evident? The case treated of is where there were two ropes, one tied higher up and the other lower. We might assume, that because the lower one is tied permanently one may not untie it; therefore he informs us that both may be tied and untied. Said R. Jehudah in the name of Samuel: "The Halakha prevails according to R. Eliezer ben Jacob."

"*One may tie a bucket with his girdle, but not with a rope,*" etc. What kind of a rope is not permitted? Is it an ordinary rope? Why does R. Jehudah permit it? It remains permanently tied? Shall we assume that it refers to the rope of a weaver? Why is it not permitted? It will surely be removed, because the weaver will need it? Or is it prohibited simply as a precau-

tionary measure, lest some one tie the bucket with an ordinary rope, and R. Jehudah does not entertain this apprehension? Then it is contradictory to the following Boraitha: "A rope fastened to a bucket which became torn, should not be tied into a firm knot, but simply tied into a loop." R. Jehudah says: "It should be joined together with the owner's girdle, but it must not be tied into a loop." This would be a case of where both the rabbis and R. Jehudah contradict themselves. There is no contradiction at all. As for the rabbis, they hold, that an ordinary rope may be mistaken for the rope of a weaver, because both are called ropes, but a loop cannot be mistaken for a knot, because they have different names. As for R. Jehudah, he prohibits a loop to be made, not because he holds that a loop may be mistaken for a knot, but because the loop in this case is equal to a knot.

R. Aba in the name of R. Hyya b. Ashi, quoting Rabh, said: "One may bring a rope from his house and can tie it to the cow, and then fasten it to the crib."

R. Johanan asked of R. Jehudah bar Levayi: "May weaving utensils, either upper or lower, be handled on the Sabbath?" Answered R. Jehudah: "Nay; they may not." "Why so?" "Because on week-days they are also never used for any other purpose (being too heavy); hence they are always used for weaving alone (and therefore must not be handled on Sabbath)."

MISHNA: One may fold his clothes (just removed) even four or five times (on the Sabbath). On the eve of Sabbath one may prepare his beds for use on the Sabbath, but not at the close of Sabbath for use after the Sabbath is gone. R. Ishmael says: "One may arrange his clothes and prepare his beds on the Day of Atonement for the Sabbath; further, the sacrificial tallow left over from the Sabbath may be offered up on the Day of Atonement (if the two succeed one another, before the Jewish calendar was arranged); but not such as is left over from the Day of Atonement on the Sabbath." R. Aqiba said: "Neither that (tallow) left over from the Sabbath may be offered up on the Day of Atonement, nor that of the Day of Atonement on the Sabbath."

GEMARA: The school of R. Yanai said: The Mishna only permits the folding of clothes by one man, but not by two, and also only in case the clothes are new, but not if they are old (because old clothes are better preserved by folding). New clothes must only be folded if they are white clothes, but not if

they are colored. White clothes may be folded only if they constitute all the garments possessed by the man; but if he had others, he must not fold even those, as we have learned in a Tosephta: "The family of R. Gamaliel did not even fold white clothes, because they had others for a change."

R. Huna said: "If one have a change of clothes for the Sabbath, he should change them; if not, he should at least let them down."* R. Saphra opposed this: "If one let down his garments, he will be considered as a vain man." If he does this only on the Sabbath and not on week-days, he will not be considered vain but simply as one desirous of keeping the Sabbath with due respect, as it is written [Isaiah lviii. 13]: "And honor it by not doing thy usual pursuits." "Honor it" is meant to imply that, by wearing different clothes on the Sabbath, the Sabbath should be honored, for R. Johanan calls clothes signs of honor, and through clothes a man is honored. "By not doing thy usual pursuits" means that the walk on the Sabbath should not be as on week-days [ibid. ibid.]: "By not following thy own business," means to say, that only thy own business is not allowed, but heavenly business is. "And speaking (vain) words": the mode of speaking on Sabbath should not be like that on week-days. Speaking is not allowed, but thinking is. (All this is perfectly proper, not to dress as on week-days, nor to speak as on week-days); but what does a different walk on the Sabbath signify? It signifies, that one should not make long strides on the Sabbath, as Rabbi asked of R. Ishmael b. R. Jose: "May one make long strides on the Sabbath?" Answered he: "May one do so even on week-days? For I say, that a long stride deprives a man of a five hundredth part of the light of his eyes. A remedy for this is, however, the drinking of the wine over which the benediction is made on the eve before the Sabbath."

It is written [Ruth iii. 3]: "Therefore bathe and anoint thyself, and put thy garments upon thee," by which, said R. Elazar, is meant the Sabbath garments.

It is written [Proverbs ix. 9]: "Give to the wise (instruction), and he will become yet wiser." Said R. Elazar: By that is meant Ruth the Moabite and the Prophet Samuel of

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* The poor of those days, when at work—*i.e.*, on week days—used to roll up their long garments in order not to be hindered by them while at work. The rich used to wear long garments at all times; hence the above decree of R. Huna.

Ramah. Naomi said to Ruth: "Therefore bathe and anoint thyself, and put thy garments upon thee, and go down to the threshing-floor," but Ruth did as it is written further [ibid. 6]: "And she went down unto the threshing-floor, and did in accordance with all that her mother-in-law had commanded her," which means, that she first went down to the threshing-floor and then dressed herself, in order not to soil her clothes. As for Samuel, when Eli said unto him [I Samuel iii. 9]: "Go, lie down; and it shall be, if he call thee, that thou shalt say, Speak, Lord; for thy servant heareth," he did at the time as it is written [ibid. 10]: "And the Lord came, and placed himself, and called as at previous times, Samuel, Samuel. And Samuel said, Speak, for thy servant heareth," but did not say, "Speak, Jehovah," as he was told to do by Eli (because, not knowing who was speaking, he did not want to speak the Lord's name in vain).

It is written [Ruth ii. 3]: "And she went, and came, and gleaned in the field after the reapers." Said R. Elazar: She went and came to and fro until she found such men as were fit company for her. "Then said Boaz unto his young man that was appointed over the reapers, Whose maiden is this?" [ibid. 5]. Was it proper for Boaz to inquire whose maiden she was? We have learned in a Boraitha: He (Boaz) noticed that she was very modest, for when gleaning from the sheaves, she did so standing if the sheaves were also standing, and if the sheaves were on the ground, she did not stoop, lest she reveal some of her form, but sat down and gleaned in that position.

"But keep close company with my own maidens" [ibid. 8]. Was it proper for Boaz to say "my own maidens"? Was it his custom to mingle with the women? Said R. Elazar: "Because Boaz saw that 'Orpah kissed her mother-in-law; but Ruth cleaved unto her' [ibid. i. 14], he thought, that if she were such a woman it would be proper for him to associate with her."

"And Boaz said unto her, At mealtime come near hither (halom)" [ibid. ii. 14]. Said R. Elazar: "By the word 'halom' (near hither) Boas hinted to her that from her would spring the kingdom of David, who used the expression 'halom,' as it is written in [II Samuel vii. 18]: 'Then went King David in and sat down before the Lord, and he said, Who am I, O Lord Eternal? and what is my house, that thou hast brought me as far as hitherward (halom)?'"

"And eat of the bread, and dip thy morsel in the vinegar"

[Ruth ii. 14]. "From this it can be inferred, that vinegar is good for (relieving excessive) heat," said R. Elazar. But R. Samuel ben Na'hmeni said: "This was also a hint to Ruth, that from her would spring forth a son, whose deeds would be sour as vinegar, and that was King Menasseh."

"And she seated herself beside the reapers" [ibid. ibid.]. Said R. Elazar: "Beside the reapers and not between them, was also a hint that the kingdom of David would eventually be divided."

"And he reached her parched corn, and she ate, and was satisfied, and had some left." Said R. Elazar: (This is a reference to the kingdom of David) "Ate at the time of David, was satisfied in the time of Solomon, and had some left in the time of King Chizkyah." Others say: "Ate during the days of David and Solomon, was satisfied during the days of Chizkyah, and had some left in the time of R. Jehudah Hanassi (a descendant of David), whose coachman even, according to the teaching of the Master, was said to be richer than the Shahur (king, shah) of Persia." In a Boraitha, however, we have learned: (This passage does not refer to the kingdom of David but to Israel in general). It means: "Israel ate in this life, will be satisfied in the times of the Messiah, and shall have some left in the world to come."

R. Hyya bar Aba said in the name of R. Johanan: "Whence do we know that a change of clothes is a biblical prescription?" Because it is written [Lev. vi. 4]: "And he shall take off his garments, and put on other garments, and carry forth the ashes to without the camp, unto a clean place." This was commented upon by the school of R. Ishmael to mean, that the clothes worn while cooking for one's master should not be worn when serving the master at table.

The same teacher said again: A scholar (Talmud-Chacham), upon whose clothes a stain can be found, deserves to be put to death, for it is written [Proverbs viii. 36]: "All those that hate me love death." Do not read, "those that hate me" (mesanai), but "those that cause others to hate me" (masnii) (implying that if a stain is noticed on a scholar's clothes, the whole law is held lightly). Rabhina said: "In the Boraitha was taught not 'upon whose clothes *a stain* can be found,' but 'upon whose clothes *grease* (Rebhad)* is found.'" They do not differ, how-

* Rashi interprets the word Rebhad to mean "semen."

ever. The former refers to an over-garment, while the latter to an under-garment.

R. Johanan said: Who can be called a scholar trustworthy enough to be believed when claiming a lost article, without identification, but simply by seeing the article lost and claiming it as his own? A scholar who is so particular that, if he happen to put on his night-robe wrong side out, he will take the trouble to take it off again and adjust it properly.

R. Johanan said again: "Who is the scholar worthy of being made the president of a congregation?" The one who, when asked concerning an ordinance bearing on any subject, knows exactly what to answer, even such ordinances as are contained in the Tract Kalah (Kalah is a supplement to the Talmud, which is not generally read, and treats of a bride).

He said again: "Who is the scholar that is deserving of having his work performed by his fellow-citizens? The one who neglects his own affairs to attend to religious affairs." This refers, however, only to one who has lost his subsistence on account of his congregational duties.

Again, R. Johanan said: "Who can be called a scholar (Talmud-Chacham)? One who can give the interpretation of any ordinance in whichever chapter (or tract) that may be shown him." What difference does that make? The difference is this: If a man is familiar only with the ordinances of a certain tract, he may only be competent to be the presiding officer of one community, but if he understand them all, he may be made the chief of the house of learning in a whole district.

"*R. Ishmael says: 'One may arrange his clothes,'*" etc. The rabbis taught: It is written [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath." From this we learn, that we may offer up the tallow left over from the Sabbath on the Day of Atonement; but one might say, that the fat left over on the Day of Atonement may be offered up on the Sabbath also; therefore the passage says [ibid. ibid.]: "on every Sabbath." So says R. Ishmael, but R. Aqiba says, "'This is the burnt-offering of the Sabbath on every Sabbath,' implies, that the fat left over from the Sabbath may be sacrificed on a biblical feast-day; but one might say, that it may be done also on the day of Atonement; therefore the passage says 'on every Sabbath.'"

The point of difference between R. Ishmael and R. Aqiba is as follows: R. Ishmael contends that vow-offerings and voluntary offerings may be brought on feast-days, and therefore the

term "every Sabbath" cannot refer to feast-days, but *does* refer to the Day of Atonement, whereas R. Aqiba contends that such offerings must not be brought on feast-days, and hence "every Sabbath" implies that the fat left over from the Sabbath may be offered up on a feast-day.

R. Zera or R. Aba said in the name of R. Huna: "If the Day of Atonement fall on a Sabbath, herbs for cooking must not be selected on that day." Said R. Mana: This we have learned in a Boraitha as follows: "Whence do we know that if the Day of Atonement fall on a Sabbath herbs must not be selected? Because it is written [Exod. xvi. 23]: 'A rest, a holy rest is unto the Lord to-morrow.'" Why is the word "rest" repeated? Shall we assume, that no other labor must be performed? This is ordained (in Chapter xx. 10): "Thou shalt not do any work." It must therefore refer to such work as is not really labor, as "selecting herbs" (and the passage must refer to a Sabbath on which the Day of Atonement happens to fall, because on ordinary Sabbaths no additional prescription is necessary; but it being the Day of Atonement, on which, were it not also Sabbath, such work would be permissible, on account of alleviating the sufferings caused by fasting, we might assume that it would be allowed also on a Day of Atonement, which occurs on a Sabbath; therefore the passage refers to a Sabbath upon which the Day of Atonement happens to fall). R. Hyya bar Aba, however, in the name of R. Johanan said: Selecting herbs on a Sabbath concurrent with the Day of Atonement is permissible, and the repetition of the word "rest" *is* on account of the prohibition of actual labor, and as for there being another ordinance to that effect, it is for the purpose of signifying that the transgressor of this commandment will be punished for the violation of both the positive and the negative commandments.

We have learned in a Boraitha in support of R. Johanan: Selecting herbs on a Day of Atonement concurrent with a Sabbath is permissible. Nuts may be cracked and pomegranates cleaned after the afternoon prayer, for the purpose of alleviating the suffering of the fasting. In the house of R. Jehudah, cabbage was prepared, and in Rabba's house, pumpkins were cleaned. Later on Rabba noticed that this was being done even before the afternoon prayer; so he told them that a message was received from R. Johanan of Palestine that this was prohibited.

CHAPTER XVI.

REGULATIONS CONCERNING ARTICLES WHICH MAY BE SAVED FROM A CONFLAGRATION ON SABBATH.

MISHNA: All sacred scriptures may be saved from a conflagration (on the Sabbath); be such scriptures allowed or not allowed to be read on Sabbath. The Scriptures written in any language whatsoever must be considered sacred, and brought to a safe place, even on a week-day. Why are some (sacred scriptures) not allowed to be read (on Sabbath)? In order that one might not miss the sermons at the school-house. One may save the case of the book with the book, the case of the Tephillin with the Tephillin, even if money is contained therein. Where must such things be taken (for safety)? In a closed space surrounded by walks. Ben Bathyra says: "Even in a space that has one side open."

GEMARA: It was taught: If the Scriptures were written in Aramaic (Targum), or in any other language, they need not be saved from a conflagration. So says R. Huna. But R. Hisda says: "They must be saved." According to the Tana who holds, that all of the scriptures may be read on Sabbath, there is no difference of opinion between R. Huna and R. Hisda, for the Scriptures must be saved. But, according to the Tana who holds, that some scriptures may and others may not be read on the Sabbath, R. Huna says, that the latter need not be saved, while R. Hisda says they must, in order not to disgrace the Scriptures. An objection was made: "Our Mishna says, that all scriptures, whether allowed to be read on the Sabbath or not, or even if written in whatever language, must be saved. We must assume, that the readable part of the Scriptures is the Prophets and the non-readable part is the Hagiographa, and if written in other languages, which are naturally non-readable, they must nevertheless be saved. How, then, can R. Huna say, that the non-readable need not be saved?" R. Huna might say: How can this explanation of the Mishna correspond with the further ordinance that they "should be brought to a safe

place" ? If it says that they must be saved from the conflagration, it is self-evident that they must be brought to a safe place ? What is the correct interpretation of the Mishna ? R. Huna interprets it according to his understanding thus: "The readable part of the Scriptures is the Prophets, the non-readable part is the Hagiographa, providing they are written in the holy language (Hebrew), but if written in other languages they need *not* be saved; but although they need not be saved on the Sabbath, if they lie in an unfit place even on week-days, they must be brought into a safe place." R. Hisda interprets the Mishna according to his understanding thus: "The readable part is the Prophets, the non-readable part is the Hagiographa, and although written in other languages they must also be saved, and the term 'should be brought to a safe place' refers even to torn pieces of such Scriptures although written in other languages."

Another objection was made: We have learned in a Boraitha: "If they (the Scriptures) are written in Aramaic or any other language, they must be saved from a conflagration ? Is this not contradictory to R. Huna's opinion ? Nay; R. Huna may say that the Tana of the Boraitha holds the Scriptures written in other languages to be readable. Come and hear: Scriptures written in Coptic, Median, old Hebrew, Elamite or Greek, although not permitted to be read, must be saved from a conflagration." This is surely a contradiction to R. Huna ? R. Huna might say: There is a difference of opinion among the different Tanaim, as we have learned in the following Tosephta: If the Scriptures are written in Aramaic or in any other language, they must be saved from a conflagration, but R. Jose says, that they must not. Said R. Jose: It happened that Aba 'Halafta went to R. Gamaliel the Great in Tiberias, who sat at the table of Johanan the Nazuph (also called Ben Nazuph), and held in his hand the book of Job in Aramaic, which he was reading. Said Aba 'Halafta to R. Gamaliel: "I remember having at one time come to thy grandfather R. Gamaliel, who stood on the steps of the corridor of the Temple when a Book of Job in Aramaic was brought to him. He told the mason to take the book and immure it underneath the stairway." Whereupon the later R. Gamaliel also ordered the book he was reading to be immured.

The rabbis taught: The benedictions, which are written in Hebrew, or amulets although containing letters of the Holy Name and many passages of the Scriptures, must not be saved

from a conflagration, but may be burned up together with such letters and passages. From this it was said, that one who writes benedictions commits an act equal to burning up the Scriptures, as it happened in Zidon: One wrote benedictions, and it was told to R. Ishmael. R. Ishmael set forth to investigate the matter. As soon as the man saw R. Ishmael approach, he threw the writings into a bowl of water. Said R. Ishmael to him the following words: "The punishment thou wilt receive for this latter deed will be greater than that for writing the benedictions."

The Exilarch asked of Rabba bar R. Huna: If the Scriptures were written with paint or with dyes and in the holy language, may they be saved from a conflagration or not? I ask thee, taking in consideration the differences of opinion existing between the different Tanaim, for those who hold that Scriptures written in Aramaic or any other language must not be saved, what is their opinion regarding such as are written in the holy language and not with ink? Whereas those who hold that the Scriptures in any language must be saved, do they not refer to such as are written in ink only, but those written with paint or dye, even if written in Hebrew, should also not be saved? Answered Rabba bar R. Huna: "No, they must not be saved." Rejoined the Exilarch: "R. Hamnuna taught, in a Boraitha, that they may?" Answered Rabba: "If such was taught in a Boraitha, it must be so!"

The rabbis taught: Before the passage [Numb. x. 35]: "And it came to pass when the ark set forward, that Moses said, etc.," and at the close of the next verse, the Holy One, blessed be He, made signs (the inverted letter Nun, which must be inserted in the Scroll) in order to signify that this is not the proper place for the two passages; but Rabbi says, that this is out of the question, and that the two verses form a valuable book in themselves. We have heard from R. Samuel ben Na'hmeni in the name of R. Jonathan, that we have not a Pentateuch but a Septateuch * (*i.e.*, we have not five books of Moses, but seven). Would this imply that R. Samuel holds with Rabbi and declares that there are seven (because the two verses, which form a book in themselves, divide Numbers into two books)? Who is the Tana, however, that differs with Rabbi? He is R. Simeon ben Gamaliel, for we have learned in a Bora-

* In the Hebrew introduction to Tract Rosh Hashana this entire argument is explained, and we do not deem it advisable to translate it at present.

itha: R. Simeon ben Gamaliel says, that these two passages will in the future be removed and put in their proper place. Why were they put here, then? In order to make a separation between the two scourges that befell the Israelites. Which was the second scourge? The one that follows immediately afterwards [Numb. xi. 1]: "And it came to pass, that, as the people complained in a manner displeasing to the Lord," etc., etc. And which was the first? The first was as it is written [ibid. x. 33]: "And they set forward from the mount of the Lord," which, according to R. Hama b. Hanina, means "and they departed from the ways of the Lord." Which is the proper place for the two passages? Said R. Ashi: In Numbers ii. (where it is decreed how every man should walk in the wilderness, and the end of the chapter stating that every man did as he was commanded, should be followed by those two verses).

The schoolmen asked: May the blank pieces of the Scroll of Laws which had become detached from the Scroll be saved from a conflagration on Sabbath or not? Come and hear: The Gilyonim (blank pieces of the Scroll) and the Sadducean books need not be saved from the conflagration. They, together with the holy names contained in them. Does not the word Gilyonim have reference to the blank pieces of the Scroll? Nay; the blank pages of the Sadducean books. How can it mean the blank pages of the Sadducean books. Why, it is not even allowed to save the Sadducean books themselves? Perhaps the Boraitha means, that the Sadducean books are considered as blank pages, and hence must not be saved.

The text of the Boraitha says further: The Gilyonim and the Sadducean books must not be saved from a conflagration; R. Jose says, that on week-days the Holy Name must be torn out wherever it appears and preserved, and the remainder must be burned; but R. Tarphon says: May I bury my children, if I would not burn such books together with the Holy Name, whenever they reached my hands; for when a man is pursued by murderers or by a snake, it were better for him to seek refuge in the temple of an idol than to enter the houses of such people; for the idolaters serve their idols because they know not God, but the others know God and deny him; they (the latter) are referred to by the verse [Isaiah lvii. 8]: "And behind the doors and the doorposts hast thou placed thy remembrance" (implying that they remember the Lord very well, but nevertheless place their memory behind the doors and doorposts).

Said R. Ishmael: In the Scriptures it is even allowed to erase with bitter water the Holy Name of God, which was written in a holy cause in order to bring about peace between man and wife, *a fortiori* it should be allowed in the case of those people who cause discord and enmity between Israel and the Heavenly Father. To them David had reference [in Psalms cxxxix. 21, 22]: "Behold those that hate thee, I ever hate, O Lord! and for those that rise up against thee do I feel loathing. With the utmost hatred do I hate them: enemies are they become unto me." So, as they must not be saved from a conflagration, they must also not be saved from the waters, or anything that might destroy them.

Joseph bar Hanin asked of R. Abuha: "May the books of Be Abhidon be saved?" Answered R. Abuha: Yea, nay, I really cannot tell. Rabh never went to the Be Abhidon, and all the more not to the Be Nitzrephe.* Samuel, however, never went to the Be Nitzrephe, but did go to the Be Abhidon. Mar bar Joseph said: "I am of their society and do not fear them." Still it happened at one time that he was in danger on their account.

Ema Shalom, the wife of R. Eliezer, who was also a sister of R. Gamaliel the Second, encountered a philosopher in her neighborhood who was a judge, and had the reputation of being inaccessible to bribery. R. Gamaliel and his sister wished to ridicule him and prove that he *was* accessible to bribery. Ema Shalom brought him a golden candle. He asked her what she wanted, so she answered: "My father is dead, and I wish to inherit some of his possessions." The judge said: "Go, I will order that you be given your share." Said she: "Thou canst not order it so, because our law decrees, that wherever there is a son a daughter cannot inherit." Answered the judge: "Since you Israelites are in exile, your law given you by Moses has been revoked, and a new law was given you by which daughters may inherit equally with sons." On the morrow came R. Gamaliel and brought him a Libyan ass, and told him that he did not wish to let his sister inherit. Said the judge: "After thy sister left I consulted the law again, and found that the new law said: 'I did not come to abolish the Mosaic law, neither to increase nor

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* We render these names without translations, as we also do in the case of Gilyonim, because of the incessant discussions concerning them among Hebrew theologians, and we do not desire to decide the definite meaning.

to diminish it.' Hence it must remain as in the old law, that where a son is left a sister must not inherit." Said Ema Shalom to the judge: "May God make thy light as bright as a candle." Said R. Gamaliel to her (in the presence of the judge): "An ass came along and extinguished thy candle."

"*Why are some (sacred Scriptures) not allowed to be read (on the Sabbath)?*" etc. Said Rabh: "It is not allowed to read such Scriptures only during the time of the sermons at the school-house, but at any other they may be read." Samuel, however, said, that even at any other time they must not be read, because he holds with R. Nehemiah as we have learned in the following Boraitha: "Although it was said that the Hagiographa should not be read, still they may be discussed and lectured upon, and when a quotation must be made, the book may be referred to and the quotation read." Said R. Nehemiah: "Why was it prohibited to read the Hagiographa on the Sabbath? In order that it might be said: As it is forbidden to read the Hagiographa, it is all the more so forbidden to read ordinary papers."

"*In a closed space surrounded by walls.*" What is to be understood by the term "closed space"? Said R. Hisda: "This refers to a lane surrounded on three sides by walls and having on the fourth side two beams. If the lane have three walls and two beams it is a closed space, if it have only one beam on the fourth side it is an open place, and the Tana of the Mishna as well as Ben Bathyra hold in accordance with the opinion of R. Eliezer, who decided to that effect elsewhere." Said Rabba to R. Hisda: "Dost thou call a space surrounded by three walls and one beam an open place? If this be so, according to the sages, why cannot victuals and beverages also be brought there, not alone Scriptures? In *my* opinion, two walls and two beams, one on each side, form a closed space, and two walls with only one beam constitute an open space. And the two Tanaim of the Mishna are not in accord with R. Eliezer, but with R. Jehudah, who opposes him (in Tract Erubin)."

Said Abayi to Rabba: "And why should not, according to thy explanation, victuals and beverages be brought there (for safety) in conformity with the opinion of the sages?" Said R. Ashi, however, "The two Tanaim of the Mishna are of the opinion of R. Eliezer, and a closed place is formed by three walls and one beam, while an open place is made by three walls without any beam at all; and even according to R. Eliezer, who

requires two beams, it is only for the bringing thither of victuals; but for the safe keeping of the Scriptures, R. Eliezer holds even one beam to be sufficient."

MISHNA: One may save enough victuals to last for three meals (on the Sabbath in the event of a conflagration). Such food as is fit for human beings may be saved for the use of human beings, and such as is fit for cattle may be saved for cattle. How so? If a conflagration happen on the eve of Sabbath, one may save enough victuals for three meals. If it occur in the forenoon of Sabbath, one may save enough for two meals, and if it occur in the afternoon of Sabbath one may only save enough for one meal. R. Jose, however, says: "One may at all times save enough for three meals."

GEMARA: Let us see! Why should it only be allowed to save three meals, or two, or one? (It says, further on, that the victuals for the meals are to be brought into such a place as is covered by an Erub. In such a place things may be carried, and the things themselves may also be handled, then why should one not be allowed to save more than enough for three meals?) Said Rabha: Because a man is anxious for his possessions, he might, if allowed to save as much as possible, forget about the Sabbath and extinguish the fire altogether. Said Abayi to him: "We have learned previously, that a man upon whose roof a barrel filled with victuals becomes broken, may bring another vessel and put it underneath the barrel in order that the contents of the barrel fall into the vessel, but may not bring another barrel and transfer the contents of the broken one into the new, nor may he place a new barrel alongside of the other and remove the contents of the broken one into the new one by keeling over the former and letting its contents drop into the latter. Why should he not be allowed to do this? (He is on private ground, and the barrel with its contents may be handled?) If it is prohibited as a precautionary measure in the manner of the previous case, where does the precaution arise?" This latter case is also a precautionary measure; for were he allowed to remove the contents from one barrel into another, there is fear of his carrying it through public ground. The text of the Boraitha, however, teaches further, that if the man had guests in his house, he may remove the contents of the broken barrel into a new one, etc. But he may not first remove the contents and then call guests, but first call guests and then remove the things; nor may he pretend (to call guests), but must actually desire their

company. In the name of R. Jose bar R. Jehudah it was said, that even calling guests as a pretext is also allowed.

The rabbis taught: If one had saved (from the fire) fine bread, he must not return and save coarse bread, but if he first saved the coarse he may return and save the fine. One may also save enough on the Day of Atonement in the event of a fire (when that day is succeeded by Sabbath) to last him through the Sabbath also, but on a Sabbath it is not permitted to save enough for the Day of Atonement (if the Sabbath falls on the day before), and all the more so is it not allowed if the Sabbath precedes a feast-day; nor is it allowed to save on one Sabbath for the following Sabbath.

The rabbis taught: If one forgets bread in an oven, and in the meantime the Sabbath sets in, it is allowed to save enough bread to last for three meals; and one may say to bystanders, "Come and take out as much as ye need"; and when taking out the bread it should not be done with a baker's shovel, but with some other utensil. R. Hisda said: A man should see that everything should be prepared on Friday for the Sabbath as early as possible, as it is written [Exodus xvi. 5]: "And it shall come to pass, on the sixth day, when they prepare what they shall have brought in," etc., and this means, that as soon as the sixth day sets in, preparations for the Sabbath should be begun.

R. Aba said: "A man must pronounce the benediction over two loaves on the Sabbath," for it is written [ibid. xvi. 5]: "Double bread." Said R. Ashi: "I noticed the manner in which R. Kahana did this: He would hold two loaves, but would cut only one, because it is written [ibid. xvi. 18]: 'Every man according to his eating had he gathered.'" R. Zera used to cut off the loaf sufficient to last him for the entire meal. Asked Rabhina of R. Ashi: "Does this not seem gluttonous, to hold so large a piece in one's hand?" Answered R. Ashi: "Because on week-days such was not his wont, it does not appear gluttonous on Sabbath, and R. Zera did this only in honor of the day." R. Ami and R. Assi, if happening to have the same bread used in making an Erub, for use on Sabbath, would pronounce the benediction over the bread, for they said that because one religious duty had been fulfilled with that bread, it should be used to fulfil another religious duty."

"*How so: If a conflagration,*" etc. The rabbis taught: How many meals should a man eat on the Sabbath? Three. R. 'Hidka said four. Said R. Johanan: Both the rabbis and R.

'Hidka adduced their opinions from the same passage, as follows [Exodus xvi. 25]: "And Moses said, Eat it to-day; for a Sabbath is this day unto the Lord: to-day ye will not find it in the field." R. 'Hidka holds that, day being mentioned three times, three meals should be eaten during the day and one at night, and the rabbis hold that the day includes the night and only *three* meals are required. Our Mishna, however, which decrees that only enough for three meals should be saved, does therefore not agree with R. 'Hidka. According to whose opinion, however, will the following Mishna be? (Tract Peah): "If a poor man have sufficient for two meals, he must not apply for another at the public kitchen (where food is distributed), but he may apply to the general charity fund. If he have, however, sufficient for fourteen meals (for the week) he must not even apply to the general charity fund!" If the Mishna were of the opinion of R. 'Hidka, he should have had sufficient for sixteen meals, so as to afford him four meals on the Sabbath, and, according to the rabbis, for fifteen meals in order to have three meals on the Sabbath? It is therefore neither in accord with R. 'Hidka nor with the rabbis. Nay; it is in accord with the rabbis, and the poor man should eat his Sabbath-night meal on the Sabbath day, so with his Friday-night meal it will make three meals on the Sabbath. It may also be said that the Mishna holds with R. 'Hidka, and that the poor man should leave his Friday meal for the Sabbath. Shall we make the poor man then fast on Friday? It would therefore be better to hold the Mishna's opinion to be in accord with R. Aqiba, who says, that the poor man should make Sabbath equal to a week-day in order not to be forced to rely upon charity. Thus fourteen meals are sufficient, and he may eat only two on Sabbath.

But according to whose opinion is the Mishna (Tract Peah): "If a wandering mendicant come to a town, he must be given a loaf which can be bought for a Pundian (one forty-eighth of a Sela) when the price of flour is one Sela for four Saahs (and the sages calculated that such a loaf is sufficient for two meals). If he remain over night he must be given lodging, and if he remain over Sabbath he must be given three meals for Sabbath." Shall we assume, that this Mishna holds with the rabbis and not with R. 'Hidka? It might also be in accord with R. 'Hidka if the mendicant happen to have one meal with him, he is told to eat the one he has and is given three more. Should the mendicant then depart empty-handed? Nay; he is also given a meal

to take along on the way. What must he be given for lodging? Said R. Papa: Enough to hire a bed and a pillow.

The rabbis taught: The dishes used on the eve of Sabbath may be cleansed for the Sabbath-morning meal. The dishes used in the morning may be cleansed for the mid-day meal, and those of the mid-day meal for the afternoon; but those of the afternoon must not be cleansed until the Sabbath is over. All this is said concerning dishes; but glasses, cups, and all drinking utensils may be cleansed at any time, because there are no fixed times for drinking.

R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara, said: One who keeps the commandment to eat three times on the Sabbath will be rid of three punishments, viz.: "The tribulations (at the time) of Messiah; the punishment of Gehenna, and the war of Gog and Magog." From the tribulations of Messiah, because the Sabbath is always mentioned as the day, and it is written [Malachi iii. 23]: "Behold, I send unto you Elijah the prophet before the coming of the day of the Lord, the great and the dreadful." From the punishment of Gehenna, because it is written [Zephaniah i. 15]: "A day of wrath is that day," etc., meaning the Gehenna. From the war of Gog and Magog, because it is written [Ezekiel xxxviii. 18]: "On the day of Gog's coming."

R. Johanan said in the name of R. Jose: One who makes the Sabbath pleasant will be rewarded with a boundless inheritance, as it is written [in Isaiah lviii. 14]: "Then shalt thou find delight in the Lord; and I will cause thee to tread upon the high places of the earth, and I will cause thee to enjoy the inheritance of Jacob thy father; for the mouth of the Lord hath spoken it." Not the inheritance of Abraham, concerning whom it is written [Genesis xiii. 17]: "Arise, walk through the land in the length of it and in the breadth of it," etc., and not as in the case of Isaac, as it is written [ibid. xxvi. 4]: "And I will give unto thy seed all these countries," but as it is written of Jacob [ibid. xxviii. 14]: "And thy seed shall be as the dust of the earth, and thou shalt spread abroad to the west and to the east, and to the north and to the south."

R. Na'hman bar Itz'hak said: (The man who makes the Sabbath pleasant) will also be saved the pain of exile, because it is written [Isaiah lviii. 14]: "And I will cause thee to ride upon the high places of the earth," and [Deut. xxxiii. 29]: "And thou shalt tread upon their high places." Said R. Jehudah in the

name of Rabh, "He who makes the Sabbath pleasant is given everything his heart desires," because it is written [Psalms xxxvii. 4]: "And delight thyself in the Lord, and he will give thee the wishes of thy heart." What is meant by "delight"? From the passage [Isaiah lviii. 13]: "If thou call the Sabbath a delight," we can adduce that the delight means Sabbath.

Wherewith should the Sabbath be made pleasant? Said R. Jehudah, the son of R. Samuel bar Shilath, in the name of Rabh: "With a mess of beets, large fish, and garlic-heads." But R. Hyya bar Ashi said in the name of Rabh: "Even with any dish whatever prepared especially for the Sabbath." What does "any dish whatever" mean? Said R. Papa: "Even small fish fried in oil."

R. Jehudah said in the name of Rabh: "If the Israelites had kept the first Sabbath (after the commandments were given) properly, no nation or race on earth could have harmed them. For it is written [Exodus xvi. 27]: 'And it came to pass on the seventh day that there went out some of the people to gather; but they found nothing.' And not long afterwards Amalek attacked the Israelites."

R. Johanan said in the name of R. Simeon ben Jochai: "If the Israelites were to keep two Sabbaths in succession as they should, they would immediately be released from exile, for it is written [Isaiah lvi. 6]: 'Also the sons of the stranger, that join themselves unto the Lord, to serve him, and to love the name of the Lord, to be unto him as servants, every one that keepeth the Sabbath by not violating it, and those who take hold of my covenant,' and immediately afterwards it is written [ibid. ibid. 7]: 'Even these will I bring to my holy mountain.'"

R. Jose said: "May my share in the world to come be with those who eat three meals on the Sabbath." Again he said: "May my share in the world to come be with those who recite Hallel* every day." This is not so. The Master says, that he who recites Hallel every day is a blasphemer. Nay; R. Jose does not mean Hallel, but Hallelujah.

R. Jose said again: "May my share in the world to come be with those who perform their morning devotion as soon as the sun begins to rise." Again said he: "May my share be with those who die of abdominal disease, for the Master said, that most of the righteous die of bowel troubles." He also said:

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* Hallel is called the section of the Psalms from Chapter cxiii. to cxix.

" May my share be with those who die when about to fulfil a commandment ; also with those who receive the Sabbath in Tiberias and see it out in Zipporias (Tiberias was in a valley and Zipporias on a hill); also with those who remain in the houses of learning, and not with those who attempt to draw scholars away from their studies; also with those who solicit alms but not with those who dispense alms; also with those who are suspected but are not guilty." Said R. Papa: " I have been suspected but was not guilty." Said R. Jose: " I have gone in unto my wife five times and have planted five cedars in Israel." Who are they? R. Ishmael, R. Eliezer, R. 'Halafta, R. Aftiles, and R. Mena'hem, all sons of R. Jose. But he also had a son called Vradimos? Nay; Vradimos is the same as R. Mena'hem, and the reason he was called Vradimos was because his face was as beautiful as a rose (Vrad is Aramaic for rose).

Said R. Jose again: " In all my days the ceiling of my house never saw the seam of my undershirt." Again said he: " I never acted contrary to the advice of my colleagues. I know well that I am not a descendant of priests, but when my colleagues asked me to pronounce a benediction usually said by priests, I did so." Again he said: " I never said a thing that I afterwards repented having said."

R. Na'hman said: " May it be accounted to me (for my reward), that I have observed the three meals (in honor of the) Sabbath." R. Jehudah said: " May it be accounted to me, that I have given my prayers preliminary consideration." * R. Huna, the son of R. Jehoshua, said: " May it be accounted to me, that I have never walked four ells with uncovered head." R. Shesheth said: " May it be accounted to me, that I have observed the commandment of Tephillin," and R. Na'hman said again: " May it be accounted to me, that I have observed the commandment of Tzitzith (showthreads)."

Said R. Joseph to R. Joseph the son of Rabha: " Canst thou tell me which commandment thy father observed most punctually?" The answer was: " The commandment of Tzitzith. For it happened one day that my father was ascending the stairway, and a thread of his Tzitzith becoming torn off, he would not leave his place until a new thread had been brought to him and the Tzitzith were mended."

Said Abayi: " May it be accounted to me, that whenever I

* It is stated elsewhere (in Tract Rosh Hashana) that R. Jehudah prayed only once in every thirty days.

noticed a young scholar (of my college) had finished a Tract of the Talmud, I gave a feast to all the sages of the day." Said Rabha: "May it be accounted to me, that whenever a young scholar and another man came before me for judgment, I did not put my head on the pillow (rest) until I exhausted every means to find the scholar's words prove the justice of his claim." Said Mar, the son of R. Ashi: "I am unfit to judge a young scholar because I love him as well as I do myself, and no man can see himself unjust."

R. Hanina used to wrap himself in a cloak on the eve of Sabbath and say: "Come with me, and let us go toward Sabbath the queen." R. Yanai used to clothe himself in his holiday clothes on the eve of Sabbath and say: "Come, bride; come, bride."

Rabba, the son of R. Huna, came as a guest to the house of Rabba the son of R. Na'hman. At the table three cakes steeped in the fat of the ram (which were only served on special occasions) were placed before him. Said he to his host: "Didst thou know that I would come to visit thee?" Answered the host: "Art thou then better than the Sabbath? (We prepare it usually for every Sabbath, as it is written: 'And thou shalt call the Sabbath a pleasure.')"

R. Aba used to buy on the eve of every Sabbath thirteen Isteris' (six and a half Dinars) worth of meat from thirteen different butchers, and would hand them the money immediately upon their entering his door * and delivering the meat, saying to them: "Make haste, make haste and deliver your orders to others." R. Abuha used to sit on an ivory stool and make fire in honor of the Sabbath. R. Anan used to don a black apron in order to show that this day (the eve of the Sabbath) was a day of preparation, and that work had to be performed for the Sabbath. R. Safra used to singe a cow's head himself for the Sabbath, and Rabha would salt fish himself. R. Huna would light candles himself. R. Papa would prepare the wicks for the lamps. R. Hisda would cut herbs himself. Rabba and R. Joseph would chop wood for Sabbath. R. Zera would light the kindling wood. R. Na'hman bar Itz'hak would shoulder all bur-

* Rashi interprets this passage somewhat differently, namely: R. Aba did not hand the money to the butchers immediately upon their entering the door, but would hand the meat to his servants at the door, saying: "Make haste and cook this while I go and bring more," showing that he went himself for the meat and brought each piece from each butcher home separately.

dens to be carried in and out of the house himself on the eve of Sabbath, saying: "If R. Ami or R. Assi would come to visit me, would I not do the same for them?" Others say that R. Ami and Assi did this on the eve of every Sabbath, saying: "If it should happen that R. Johanan were to visit us, would we not do the same for him?"

Joseph, who honored the Sabbath, had a rich Gentile for a neighbor. The astrologers told the Gentile that all his goods and possessions would eventually be eaten up by Joseph, his neighbor. He went and sold out all his goods, and with the proceeds bought a precious pearl. This pearl he had set in his turban. While crossing a lake one day, the wind blew off his turban and it fell into the water. A fish swallowed it. Subsequently the fish was caught by fishermen late on the eve of Sabbath. Said the fishermen: "Who will buy this so late in the evening?" They were told by some people to go to Joseph, who honored the Sabbath, and that he usually bought such things. They carried it to Joseph, who bought it, and upon opening the fish he found the pearl, which he sold for thirteen * boxes of golden Dinars. A certain old man met this Joseph, and said to him: "He who lends to the Sabbath is repaid by the Sabbath itself."

Rabbi (Jehudah Hanassi) asked of R. Ishmael the son of R. Jose: "By what acts did the rich men of Palestine, so wealthy, merit their wealth?"

He answered: "Because they gave tithes, as it is written [Deut. xiv. 22]: 'Thou shalt truly give tithes.'" † "By what acts did the rich men of Babylon merit their wealth?" asked Rabbi again. "Because they keep the law honorably," was the reply. "And what about the rich men of other lands?" "Because *they* honor the Sabbath," as R. Hyya bar Aba related: "It happened that I was a guest in the house of a man in the city of Ludkai and a golden table was brought for me, which required sixteen men to carry, and sixteen silver chains were fastened to it, and bowls, pitchers, goblets, and glasses were hung on those chains, and on the table were all kinds of food and

* Rashi explains that his teacher Levi taught, that the number thirteen was usually used by the sages for a general sum and must not be taken literally as the above thirteen butchers, etc..

† The literal verse reads: "Asser teasher," which is here applied in the sense, that thou shalt give tithes in order that thou mayst become rich, the word "osher" also meaning riches.

beverages and spices, and when the table was set down they said: 'Unto the Lord belongeth the earth, with what filleth it' [Psalms xxiv. 1], and when the table was taken away, they said: 'The heavens are the heavens of the Lord; but the earth hath he given unto the children of men.' [Psalms xcv. 16.] I said to my host, 'My son, how didst thou merit all this?' Said he, 'I used to be a butcher, and whenever I came across a good animal, I would keep it for Sabbath.' Said I to him: 'Well is unto thee, that thou hast merited this, and praise be to God, who hath rewarded thee.'"

Said the Exilarch to R. Hamnuna: "It is written [Isaiah lviii. 13]: 'The holy day of the Lord, honorable.' What does this 'honorable' signify?" R. Hamnuna answered: "It means the Day of Atonement, on which day there is no eating and no drinking, and hence the Thora says, thou shalt honor it with clean clothes." Further, it says [ibid.]: "Thou shalt honor it" (this evidently does not refer to the Day of Atonement, which is called honorable, but must again refer to the Sabbath; how, then, should it be honored?) Said Rabh: "Thou shalt make the usual time of thy meals earlier," and Samuel said, "Thou shalt postpone the ordinary meal-hour." The children of R. Papa bar Aba asked R. Papa: "How shall we, who have meat and wine every day, distinguish the Sabbath day?" He answered: "If ye usually have your meals at a late hour, have them earlier, and if at an early hour, have them later."

R. Shesheth (who was blind) in the summer used to seat his pupils, who came to hear him lecture on Sabbath, in a place where the sun shone earliest, in order that they might become warm and leave, and in the winter used to seat them where the sun could not reach them, that they might become cold and leave the sooner.

R. Zera, when seeing his pupils standing in pairs and discussing the Thora on the Sabbath, used to say to them: "I pray ye, go home, eat, drink, and be merry. Do not violate the Sabbath! (It is made for pleasure and not for learning.)"

Rabha, according to others R. Jehoshua ben Levi, said: "Even a man who prays singly on the Sabbath eve must recite the prayer commencing with 'Thus were finished,' etc. [Genesis ii. 1–3]; for R. Hamnuna said, that he who prays on the Sabbath eve and recites that prayer is considered by the verse as being a collaborator in the creation of the world."

R. Eliezer said: "Whence do we know that speaking is

equal to acting, as it is written [Psalms xxxiii. 6]: 'By the word of the Lord were the heavens made.'"

R. Hisda in the name of Mar Uqba said: "He who on the Sabbath recites the prayer commencing with, 'Thus were finished,' etc., has the hands of the two angels who accompany each man laid on his head, and they say to him [Isaiah vi. 7]: 'And thy iniquity is departed and thy sin is forgiven.'"

We have learned in a Boraitha: R. Jose bar Jehudah said: "Two angels accompany a man on the Sabbath eve on his way home from the house of prayer; one is a good angel and the other an evil one; and when the man comes home and finds the candles lit, the table set, and his bed made up, the good angel says: 'May it be the will of God that the next Sabbath shall be the same,' and the evil angel answers 'Amen' involuntarily. If, however, the man does not find everything in order, the evil angel says: 'Mayst thou find it so on the next Sabbath also,' and the good angel answers against his own will: 'Amen.'"

R. Elazar said: "A man should set his table on the Sabbath eve, although he may not be hungry and can eat not more than the size of an olive." R. Hanina said: "A man should set his table on the eve following the Sabbath, though he may not be hungry and can eat but the size of one olive. (This is also in honor of the Sabbath and is like the accompanying of a king at his departure.) Warm water at the close of the Sabbath day is wholesome. Warm bread at that time is also wholesome."

R. Abuha used to have a calf which was the third calf of its mother (and hence the best) killed for him at the close of the Sabbath day, and he ate only one of the entrails of the calf. When his son Abhimi grew up, he (Abhimi) said, "Why kill a whole calf for the sake of one of its entrails? Let us leave one of the entrails of the calf killed for the Sabbath for father, that he may eat it at the close of the Sabbath." This was done, but a lion came and killed the calf that was spared.

R. Jehoshua ben Levi said: "He who answers 'Amen. The Name of the Eternal be blessed,' with all his heart, has any ill fate which has been predestined for him nullified in heaven, as it is written [Judges v. 2]: 'When depravity had broken out in Israel, then did the people offer themselves willingly; (therefore) praise ye the Lord.' Why had depravity broken out in Israel? Because they had not praised the Lord." R. Hyya bar Abba in the name of R. Johanan said: "Even if

that man have amongst his sins aught of idolatry, he is also forgiven."

Said Resh Lakish: "He who answers 'Amen,' etc., with all his might has the gates of Paradise opened for him, as it is written [Isaiah xxvi. 2]: 'Open ye the gates, that there may enter in the righteous nation that guardeth the truth.'" (The truth in Hebrew is called "Emunim," and Resh Lakish said, "Do not read Emunim but Amenim, the plural for Amen.") What is Amen? Said R. Hanina: "Amen is the abbreviation for El (God), Melech (king), Neamon (truth)." (Meaning that by saying Amen a man certifies that his Creator is the God and king of truth.)

R. Jehudah, the son of R. Samuel, in the name of Rabh said: "A fire seldom occurs in a place unless there is a violation of the Sabbath, as it is written [Jeremiah xvii. 27]: 'But if ye will not hearken unto me to hallow the Sabbath day, and not to bear a burden, and to enter in at the gates of Jerusalem on the Sabbath day; then will I kindle a fire in its gates, and it shall devour the palaces of Jerusalem, and it shall not be quenched.'" What does "it shall not be quenched" signify? Said R. Na'hman bar Itz'hak: "The fire shall occur at a time when men are not around, as a rule."

Abayi said: "Jerusalem was destroyed solely on account of the violation of the Sabbath, as it is written [Ezekiel xxii. 26]: 'And from (the violations of) my Sabbaths do they turn away their eyes, so that I am profaned among them.'" R. Abuha said: "Jerusalem was not destroyed until they had abolished the reading of the Shema in the morning and in the evening, as it is written [Isaiah v. 11–13]: 'Wo unto those that rise up early in the morning, that they may run after strong drink, that continue until late in the twilight, till wine inflame them! And there are harp and psaltery, tambourine and flute, and wine, at their drinking feasts; but the deeds of the Lord they regard not, and the works of his hands they behold not. Therefore are my people led into exile, for want of knowledge.'" R. Hamnuna said: "Jerusalem was not destroyed until the children were kept away from school, as it is written [Jeremiah vi. 11]: '(I must) pour it out over the child in the street'; and it may be explained thus: Why must I pour it out? Because the child is in the street and not at school."

Ula said: "Jerusalem was destroyed because the people were devoid of shame, as it is written [ibid. 15]: 'They should

have been ashamed because they committed an abomination; but they neither felt the least shame, nor did they know how to blush; therefore shall they fall among those that fall.' "

R. Itz'hak said: "Jerusalem was destroyed only because no distinction was made between great and small, as it is written [Isaiah xxiv. 2, 3]: 'And it shall be the same with the people as with the priest, etc. Empty, emptied out shall be the land.' " R. Amram, the son of R. Simeon bar Aba, in the name of his father, quoting R. Hanina, said: "Jerusalem was destroyed only because the people did not admonish one another, as it is written (Lamentations i. 6): 'Her princes have become like harts that have found no pasture.' As the harts in a herd travel head to rump, so would the men of Jerusalem not dare face each other with admonitions, but followed from behind in silence."

R. Jehudah said: "Jerusalem was destroyed because they insulted men of learning, as it is written [II Chronicles xxxvii. 16]: "But they mocked at the messengers of God, and despised his words, and scorned his prophets, until the fury of the Lord arose against his people, till there was no remedy." What does "till there was no remedy" signify? Said R. Jehudah in the name of Rabh: "He who insults a man of learning, can find no panacea for his affliction."

R. Jehudah in the name of Rabh said again: "It is written [I Chronicles xvi. 22]: 'Touch not my anointed, and do my prophets no harm.' " By "touch not my anointed" is meant the children of the school (for children are usually anointed), and "do my prophets no harm" refers to the scholars.*

Resh Lakish said in the name of R. Jehudah the Second: "The world is sustained solely through the exhalation of the children" (because they are pure and without sin). Said R. Papa to Abayi: "What about thy and my exhalation?" Answered Abayi: "The difference lies therein, that thou and I might have sinned, but children are incapable of committing sin." Resh Lakish said again in the name of the same authority: "The children should not be withheld from attending school, even while the new temple shall be in process of construction."

Said Resh Lakish to R. Jehudah the Second: "I have heard

* Rashi justifies this reference by basing it on the verse in Psalms xc. 12, which he interprets: "A prophet has a heart endowed with wisdom"; although Isaac Leeser translates the verse, "That we may obtain a heart endowed with wisdom," the Hebrew word Navi meaning both "prophet" and also "we may obtain."

a tradition coming from thy parents which says, that the city which has no school for children shall be destroyed; but Rabhina says, the tradition is to the effect that the high court shall put the city under a ban (until a school is built for children)."

Rabha said: Jerusalem was destroyed solely because there were no more trustworthy men there, as it is written [Jeremiah v. 1]: "Roam about through the streets of Jerusalem, and see now, and notice, and search in its broad places, if ye can find one man, if there be one that executeth justice, that searcheth for truth: and I will pardon it." What is meant by trustworthy men? Such as can be trusted in business.

MISHNA: Further, one may save a basket full of loaves (of bread), be it even enough for a hundred meals, a fig-cake, and a cask of wine; and one may also call to others: "Come ye and save for yourselves!" If those who do so understand their advantage, they make a settlement with the owner after the Sabbath is over. Where may such articles be taken to (for safety)? To a court that is joined to the other (court of the house burning) by an Erub. Ben Bathyra says: "Even to one that is not joined by an Erub."

There all utensils (dishes) may be brought, that are used on the same day; one may (in the event of a conflagration on the Sabbath) put on as many clothes as possible, and may wrap himself in whatever is possible. R. Jose says: "One may only put on eighteen pieces of ordinary apparel, but he can come back as often as he chooses and put on the same quantity and carry them off." One may also call to others: "Come ye and save with me (whatever ye can)!"

GEMARA: Have we not learned, in the preceding Mishna [page 245], that only (enough victuals for) three meals may be saved (and in the above Mishna sufficient for a hundred meals is permitted)? Said R. Huna: "This presents no difficulty. Our Mishna refers to one who comes to save the food with only one basket (when he may fill it with any quantity, whereas the preceding Mishna refers to one who brings several baskets, and in such a case it is not permitted to put in each basket more than sufficient for three meals)." But R. Aba bar Zavda in the name of Rabh said: "Both Mishnas refer to one who comes even with several baskets, but still no difficulty arises. This Mishna speaks of one who does not carry the food beyond the same court, while the other refers to one who carries it into another court."

"*A fig-cake*," etc. Why does the Mishna say, that if those who save for themselves know their advantage they will make a settlement with the owner after having saved the things from the conflagration? Are they not entitled to it under any circumstances, by virtue of the owner having made it public property when saying, "Come ye and save for yourselves"? Said R. Hisda: "This refers to pious people who would not take advantage of a man who is compelled to sacrifice his property." Said Rabha: "Can they be called pious, who accept remuneration for their time on the Sabbath? Nay; the Mishna does not refer to pious men, but to God-fearing men, who, while they would not take anything not belonging to them, would not care to trouble themselves gratuitously. By stating, therefore, that those who know their advantage will settle accounts with the owner afterwards, the Mishna means to say that their prudence consists in their knowing that they will not receive any remuneration for their time on Sabbath, but will only receive their own property as their due."

"*Come ye and save with me.*" Why does the first part of the Mishna permit the saying of "Come and save for yourselves," and in the last part the permission is given to say: "Come and save with me"? Because the first part of the Mishna refers to victuals, and a man cannot save more than sufficient for three meals, while the last part of the Mishna refers to clothing; and as a man can change his clothing as often as he pleases, he may call to others to come and help him save whatever is possible.

"*One may put on as many clothes as possible.*" The rabbis taught: One may dress himself, go out and undress, come back and dress again, and so on as often as he chooses. So said R. Meir. R. Jose, however, said, that one may put on only eighteen pieces of ordinary apparel. These were: 1 and 2. *Macturen* and *Unqly*, a mantle with a head-hold; 3. *Funda*, pocket for money; 4. *Kalbus*, a dress without sleeves; 5. *Chaluk*, a kind of shirt; 6. *Apiliute*, cover or overcoat; 7. *Maopareth;* 8 and 9. Drawers and pantaloons and cap for the head; 10 and 11. Shoes; 12 and 13. Socks; 14 and 15. *Pargud*, striped suit; 16. Girdle; 17. Hat; 18. Neckties.

MISHNA: R. Simeon, the son of Nanas, says: "One may spread a goat-skin over a chest, a box, or a cupboard, which has caught fire, so that they only become singed. One may also form a partition with any utensil (or vessel), be it full of water

or not, in order to keep the fire from spreading. R. Jose forbids the making of such a partition with new earthenware vessels filled with water, because such vessels cannot stand heat, but burst and extinguish the fire."

GEMARA: R. Jehudah said in the name of Rabh: "When one side of a garment has caught fire, the other side may be put in water, and if thereby the fire is extinguished it makes no difference." An objection was made: We have learned in a Tosephta, that if a garment has caught fire one may wrap it around him, and it makes no difference if the fire is thereby extinguished. One may also unroll the Sacred Scrolls, if the covering has caught fire on one side, and it does not matter if thus the fire is quenched. (This Tosephta then simply permits the unfolding or the folding of a garment that has caught fire, but says nothing about soaking the undamaged part in water.) Rabh holds with R. Simeon, the son of Nanas, in the above Mishna (who permits the prevention of the fire). R. Simeon, however, restricts his permission so that, while preventing the fire, it is not extinguished, but simply singes the objects (when the article, however, is soaked in water the fire will certainly be quenched, and did R. Simeon permit this also?) Yea, he did; for the last part of the Mishna relates, that R. Jose forbids the making of a partition with new pottery filled with water, because such vessels are liable to burst and extinguish the fire; and if R. Jose forbids this, surely R. Simeon (the first Tana) must have permitted it in the first part of the Mishna.

The rabbis taught: If a candle fall on the table, the table board may be raised and the candle dropped to the floor, and if it become extinguished, it matters not. Another Boraitha taught, that if a candle burn behind a door, the door may be opened and closed as usual, regardless of whether the candle is thus extinguished. Rabh scolded the one that thus decreed. Said Rabhina to R. A'ha the son of Rabha, according to others R. A'ha the son of Rabha to R. Ashi: "Why did Rabh scold the one who made that decree? Shall we say that it was because he holds with R. Jehudah (who says that an indirect act is also prohibited), and the Boraitha holds with R. Simeon, who permits the performance of an indirect act; is it possible that Rabh will scold every one who holds with R. Simeon?" He answered: "In this matter R. Simeon would also agree that this is prohibited, as it would be like decapitating a man without killing him."

R. Jehudah said: "One may open a door opposite a hearth-fire." Abayi scolded the one that decreed thus. Of what circumstances do we treat here? If the door is opened when there is an ordinary wind blowing, what reason had the one to prohibit it; and if there be an extraordinary wind blowing, why did the other permit it? The case here treated of is that of an ordinary wind, and the one prohibits the door being opened as a precautionary measure, lest this be done when a high wind is blowing, while the other does not regard a precautionary measure necessary.

"*One may also form a partition*," etc. Shall we say that the rabbis hold the indirect bringing about of an extinction to be permissible and R. Jose holds to the contrary? Have we not heard the case to be the reverse? We have learned in a Boraitha: One may make a partition with empty vessels, and with vessels filled with water that are not liable to burst, and such are iron vessels. R. Jose, however, says, that the vessels made of pottery in the villages of Shihin and Hananiah are also proof against bursting. Thus we see that R. Jose is even more lenient than the rabbis? This presents no difficulty, for the above Boraitha is altogether in accordance with R. Jose; but it is incomplete, and should read thus: "One may make a partition with empty vessels, and with such as are filled with water but are not liable to burst; and such vessels are iron vessels and vessels made of pottery in the villages of Shihin and Hananiah," as R. Jose says that the vessels made of pottery in these villages are proof against heat.

MISHNA: If a non-Israelite comes near to extinguish (the fire), one must neither say to him: "Extinguish (it)," nor "Do not extinguish it," and for the reason, that one is not obliged to make him rest (on Sabbath). If a minor, however, desires to extinguish the fire, one must not allow him to do so, because one is obliged to see that he (the minor) rests (on Sabbath).

GEMARA: R. Ami said: "During a conflagration one may proclaim: 'Whoever will come and extinguish the fire, will lose nothing by it.'"

The rabbis taught: It happened that a fire broke out in the court of Joseph ben Simai in the town of Shihin, and the men of the fortress of Sepphoris came to extinguish the fire, because Joseph was an official of the government; but he would not allow them to do so, in honor of the Sabbath. A miracle occurred, and it commenced to rain, and the fire was extinguished. That

evening he sent to each man in the fortress two selah and to their officer fifty selah. When the sages heard this, they said: "It was not at all necessary to do this, because the Mishna says, that when a Gentile comes to extinguish a fire on Sabbath, one need not tell him to do it, or not to do it."

"*If a minor, however, desires to extinguish the fire,*" etc. Could we conclude from this, that if a minor is detected eating forbidden food it is the duty of the court of justice to prevent his doing so (and we know such is not the case)? Said R. Johanan: "Yea; if the minor does this with his father's knowledge. We must say, then, that the same case applies to the Gentile, who does the work with the knowledge of the Israelite whose house is burning. Is this permitted? Yea, it is; for the Gentile does it of his own volition, and it makes no difference whether the Israelite knows it or not (because he, the Gentile, knows he will be rewarded)."

MISHNA: One may cover the top of a lamp with a vessel in order that the ceiling may not catch fire, and also cover the ordure (of poultry *) on account of the children (in the house). (One may also place a vessel) over a scorpion in order to prevent him from biting. R. Jehudah said: "A case of this kind happened once in the presence of R. Johanan ben Zakai in Arab, and he said, 'I am not certain whether (the man) is not culpable (and bound to bring a sin-offering).'"

GEMARA: R. Jehudah, R. Jeremiah b. Aba, and R. Hanon b. Ram happened to be the guests of Abin of Nishikia. The two former were furnished with beds, and the last one was not. At the same time, he noticed him teaching his son that the ordure of a child is to be covered, in order that the child should not touch it; and he said, "Abin the fool is teaching foolishness to his children. Is not the ordure of a child useful for dogs? What can you say? It was not prepared from yesterday. But this makes no difference; for we have learned in a Boraitha, that running rivers and springing wells are to be considered as the feet of every man." And Abin asked, "How, then, shall we teach?" And Hanon answered, "Over the ordure of poultry, that the child shall not touch it."

"*Over a scorpion in order to prevent him from biting.*" R. Jehoshua ben Levi said: "All dangerous creatures may be killed on Sabbath." R. Joseph raised an objection: "We have

* According to the explanation of the Gemara. See also translation of the Mishna by De Sola and Raphall.

learned in a Boraitha, that five creatures may be killed on Sabbath, and they are: the fly of Egypt, the wasp of Nineveh, and the serpent of Hadaiev, and the snake of Palestine, and a mad dog from any region." According to whose opinion is this Boraitha? It is not according to the opinion of R. Jehudah, who holds, that the performance of an act not in itself necessary makes one culpable? We must say, then, that the Boraitha agrees with R. Simeon. If this is so, is it allowed to kill only these five, and not others? Said R. Jeremiah: "Who can tell us that this Boraitha is a correct one? It may be erroneous." Said R. Joseph: "I have studied the Boraitha. The same objection was made before me, and I defended it by stating, that the Boraitha refers to the case where the creatures pursued the man in order to harm him, and under these circumstances even R. Jehudah permits the killing of these creatures."

A certain disciple related before Rabha, the son of R. Huna, quoting a Boraitha: "One who kills serpents and snakes on the Sabbath does not find favor in the eyes of the pious." Answered Rabha: "And these pious men do not find favor in the eyes of our sages." Thus he differs with R. Huna, for it happened that R. Huna, seeing a man killing a snake on Sabbath, said to him: Hast thou killed the last of them (if thou hast only killed one, of what use is it to violate the Sabbath? From this we see that R. Huna differs from the opinion of his son.)

The rabbis taught: If a man met snakes on the road and killed them, it was decreed above that he should kill them (thus removing danger for others, because a good deed is performed through a righteous man); if, however, he did not kill them, it was decreed above that he should be killed by them (that is, he is a sinner and deserving of death), but through the mercy of the Lord a miracle was performed, and he was saved. Said Ula, according to others Rabba bar bar Hana, in the name of R. Johanan: "Only in case the snakes prepared to strike at the man, can it be said that it was decreed that the man should be killed."

R. Aba bar Kahana said: "It happened that a snake was found in the school-house, and a man of the city of Neiety killed it." Said Rabbi: "He met his equal." The schoolman asked: "Did Rabbi mean, that the man was right in his deed, or on the contrary?" Come and hear: R. Aba, the son of Hyya b. Aba, and R. Zera were sitting in the hut of R. Janai, and they resolved to ask R. Janai if one might kill snakes and

serpents on the Sabbath. And he answered: "If a bee should annoy me, I would kill it; *a fortiori*, snakes and serpents."

Aba the son of Marta, who is Aba the son of Minyumi, was indebted in a sum of money to the Exilarch's house. He was brought there and was worried. While standing in the room, Aba spat on the floor. This happened on the Sabbath, and the Exilarch ordered his servants to bring a dish and cover up the spittle. Said Aba to him: "This is not necessary, for R. Jehudah says, that one may put his foot on spittle and thus clear it off." Thereupon the Exilarch remarked: "This proves to me that the man is a young scholar; let him go in peace."

Aba bar Kahana said in the name of R. Hanina: "The lamps of the house of Rabbi may be handled on the Sabbath." R. Zera asked him: "Which lamps do you refer to, the lamps that can be handled with one hand, or those that require both hands"? and he answered: "The same as can be found in your father's house (those were small lamps)." The same Aba said in the name of the same authority, that the carriages of the house of Rabbi might also be handled on the Sabbath. R. Zera asked him which he referred to, those that one man can pull, or those that require two men, and the answer was: "The same that your father possesses." Aba bar Kahana said again, that the same R. Hanina permitted the house of Rabbi to drink wine that was sealed with but one seal, in the markets of the heathens, and he states, that he does not know whether R. Hanina holds with R. Eliezer (who held that one seal only was necessary) or whether he permitted this out of respect to the house of the Nassi (for fear that if he prohibited this, they would become angry *).

MISHNA: If a non-Israelite lit a lamp on the Sabbath, the Israelite might make use of the light. If he (the non-Israelite) did so (especially) for the Israelite, the latter must *not* use it. If the non-Israelite filled up (a trough) with water, to water his (own) cattle, the Israelite may water his cattle after him; if he did so for the Israelite (especially), the latter must not water his cattle with it. If a non-Israelite made a stairway in order to descend upon it from a ship, the Israelite might descend after him; if he made it (especially) for the Israelite, the latter must not descend. Once R. Gamaliel and several elders arrived on a ship (on Sabbath) and a non-Israelite made a stairway upon which

* Rashi gives this a different explanation, but the above seems correct to us.

to descend (from the ship), whereupon R. Gamaliel and the elders also descended.

GEMARA: And it is necessary for the Mishna to mention the above cases separately, because if we were taught only concerning a lamp, we would say, that a lamp only may be used because a lamp will give light for a hundred men as well as for one; but as for water, we might say, that the water should not be used, in precaution lest the non-Israelite replenish the trough especially for the Israelite. For what purpose, however, is the stairway mentioned? That was only for the purpose of relating what happened to R. Gamaliel and the elders.

The rabbis taught: With grass which a Gentile mowed for his own cattle, an Israelite may feed his cattle, but if the grass was mowed especially for the Israelite, he may not. The same rule applies to water for watering the cattle. This applies only where the Gentile and the Israelite are not acquainted; but if they are, it is not allowed, under any circumstances. This is not so! For R. Huna said in the name of R. Hanina, that a man may allow his cattle to graze on the Sabbath, but must not feed them on grass which he designated previously for some other purpose (it matters not whether the grass is still uncut or cut). (Now, we see that things which have been designated for another purpose must not be fed to cattle on the Sabbath; how then is it allowed to feed one's cattle on the Gentile's grass which was cut on the Sabbath, and surely designated for some express purpose?) This presents no difficulty; for the permission to feed one's cattle on the Gentile's grass only holds good if the cattle feed themselves, and the man may stand by and prevent them from invading another pasture (but does not allow the man to feed them by hand).

It is said above: "This applies only where the Gentile and the Israelite are not acquainted," etc. Is this so? Did not R. Gamaliel descend on the stairway, although he and the Gentile were acquainted? Said Abayi: "The Gentile made the stairway when R. Gamaliel did not see him." But Rabha said: "It may be that the stairway was made in the presence of R. Gamaliel, but this case would be the same as that of a lamp. A lamp for one is a lamp for a hundred."

An objection was made to the teaching of Rabha: We have learned in a Tosephta: R. Gamaliel said to the elders: "As the Gentile made the stairway while we were not looking, we may descend on it." Answered Rabha: "Read simply, that R.

Gamaliel said, ' because the Gentile had already made it, we may use it.' ''

Samuel happened to arrive at the house of Abin in Touron on a Sabbath. A Gentile came and lit a candle. Samuel turned his face away from the light; but after seeing that the Gentile brought a paper and commenced to read by the light of that candle, he said: "I see now that the Gentile lit the candle for his own use," and he then made use of it himself.

CHAPTER XVII.

REGULATIONS CONCERNING THE HANDLING OF UTENSILS AND FURNITURE ON THE SABBATH.

MISHNA: All utensils (and furniture) which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed; for such lids cannot be considered as house-doors, which are not intended to be removed. One may take a hammer on the Sabbath for the purpose of cracking nuts, an axe to chop fig-cake, a hand-saw to saw cheese, a shovel to gather up dried figs, a fan and a fork to place a thing (food) before a child, a spindle and a shuttle to pick fruit, a sewing-needle to remove a splinter (from the flesh), and a packing needle to open a door.

GEMARA: "*All utensils which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed.*" *Removed* when, on Sabbath? and if removed on a week-day they certainly may be handled? Why, on the contrary. On Sabbath the lids being attached to the utensils, they were intended for use with the utensils; but if removed on week-days, they did not form part of the utensils on the Sabbath, hence not intended for simultaneous use, and should not be handled! Said Abayi: The Mishna means to say, that the lids may be handled with the utensils on the Sabbath *even* if the lids had been removed *on a week-day*.

The rabbis taught: "The doors (lids) of a drawer, chest, or cage, may be taken down on the Sabbath, but not replaced. The door of a chicken-coop (which is built in the ground) must not be removed nor replaced on the Sabbath." It may be right to prohibit the removing or replacing of the door of a chicken-coop (built in the ground), because removing it would constitute the act of tearing down, and replacing it would constitute building, but as for the doors of a drawer, chest, or cage, what is the opinion of the rabbis? Do they hold that the acts of building and tearing down apply also to utensils? If so, why do they permit the removing of the doors (lids); and if not, why do they

prohibit replacing them? Said Rabha: "The act of building does not apply to utensils, but replacing is prohibited more as a precautionary measure, lest one drive the door in with a stick (and this would constitute the act of hammering)."

"*One may take a hammer*," etc. Said R. Jehudah: This refers to a hammer intended only for nut-cracking, and such a hammer may be used to crack nuts, but a smith's hammer must not be used for that purpose; [for R. Jehudah holds, that a thing which is intended only for an act prohibited on the Sabbath, must not be used even for a permissible act]. Rabba, however, says, that a smith's hammer may be used to crack nuts [for he holds that a thing which is intended only for a prohibited act, *may* be used for a permissible act].

It was taught: R. Hyya bar Aba in the name of R. Johanan said: "We have learned, that a hammer which is intended for hammering gold may also be used for cracking nuts." R. Shoman bar Aba said: "We have learned, that the hammer referred to is intended to be used for spices."

The one who teaches that a spice-hammer may be used certainly permits a gold-hammer; but the one permitting a gold-hammer to be used, does not allow a spice-hammer, because a spice-hammer must be kept perfectly clean, and is usually laid away for non-use during the Sabbath.

"*A spindle and a shuttle to pick fruit*," etc. The rabbis taught: A date which was not quite ripe, and was put in straw which was intended for use in clay-making, might be taken out, providing it was not completely covered by the straw, but enough to take hold of was left uncovered. The same applies to a cake which was taken out of the oven not quite done, and was put in glowing cinders to be cooked; but R. Eliezer ben Tadai said, that both the date and the cake might be taken out even when completely covered, providing this is done with a prong, and then the straw or the ashes respectively fall off of themselves. Said R. Na'hman: "The Halakha prevails according to R. Eliezer ben Tadai."

From this we see that R. Na'hman holds, that handling in an unusual manner is not considered handling at all; but did not R. Na'hman say, that if a radish is deposited in earth with its roots downwards and its head upwards and protruding from the earth, it may be taken out; but if deposited head downwards, it must not be taken out (and thus we see that R. Na'hmàn regards handling in an unusual manner the same as handling

proper)? The answer is, that R. Na'hman afterward retracted his decision concerning the radish.

"*A sewing-needle to remove a splinter.*" Rabha the son of Rabba sent a request to R. Joseph: "Let the master teach us the law regarding a needle, the eyelet or the point of which had been broken off." R. Joseph answered: "We have learned this in our Mishna: 'A sewing-needle to remove a splinter.' What difference would it make to the splinter whether the needle has an eyelet or not?" Rabha objected: "We have learned, that a needle, the eye or the point of which had been broken off, is not subject to defilement." Said Abayi: "Thou confusest Sabbath with defilement? As for defilement, a vessel must be complete in order to be subject to defilement; but for Sabbath use, anything which can be used is in itself sufficient, and with this needle I can remove a splinter."

R. Na'hman forbids the straightening of the limbs of a child at birth on the Sabbath, and R. Shesheth permits it.

MISHNA: The hollow olive-cane is subject to defilement if it has a knot; if not, it is not subject to defilement. In any event, it may be handled on the Sabbath.

R. Jose* saith: "Any utensil may be handled on the Sabbath, with the exception of the large wood-saw and the ploughshare."

GEMARA: The rabbis taught: Previously only three utensils were permitted to be handled on the Sabbath, and they were: a knife to chop pressed dates, a skimmer, and a small table-knife. Subsequently more was allowed, and then still more, and then more again, until finally any utensil was allowed with the exception of the wood-saw and the ploughshare.

What is meant by "subsequently more was allowed, and then still more," etc.? Said Rabha: They allowed a thing which was intended for use in a permissible act, whether it was needed for another purpose, or whether the room it occupied was needed; then still more was allowed, namely: to shift a thing out of the sunshine to a shady place; then more *again* was allowed, namely: a thing that was intended for use in a prohibited act (*e.g.*, a smith's hammer) was permitted to be used for another purpose or when its room was needed; but it was not permitted to be moved from the sunshine into the shade, and all this was

* In the Mishna of Yost and De Sola and Raphall, R. Jehudah was credited with the saying, but in our original R. Jose is named, as is proven in Erubhin 35 a.

allowed to be done by only one person, but not by two, until finally all utensils might be handled even by two persons.

Abayi raised an objection to this: "We have learned, that a mortar which contained garlic may be handled, but if it did not contain garlic it must not be handled." The answer was this: It is meant, to remove from the sunshine to the shade. R. Hanina said: This Mishna was taught in the times of R. Nehemiah ben Hahalyah, as it is written [Nehemiah xiii. 15]: "In those days I saw in Judah some treading wine-presses on the Sabbath, and bringing in sheaves, etc." (and because in those times there was great laxity in keeping the Sabbath, strict laws were made as a precaution, and even a mortar was not allowed to be handled unless it contained some eatables). Said R. Elazar: The Mishnas relating to the pieces of wood for the showbreads in Tract Menahoth, the sticks used by the priests for the Passover sacrifice in the Tract Pesachim, the bolts in the Tract Kelim, and the above Mishna relating to the mortar (all of which prohibit the handling of such things on Sabbath) were all taught *before* it was allowed to handle all vessels.

MISHNA: The utensils may also be handled with intent to use them or without such intent. R. Nehemiah saith: "They may be handled only if intended for use."

GEMARA: What is meant by "with intent to use them," etc.? Said Rabha: "'With intent to use them' means to use a thing which was intended for use in a permissible act, whether it was needed for its intended use, or whether the room it occupied was needed; and 'without such intent' means even to shift a thing from the sunshine into the shade, and a thing that was intended for use in a prohibited act was permitted to be used for its intended use or when its room was needed, but it was not permitted to move it from the sunshine into the shade. Now R. Nehemiah comes to say, that even if a thing was intended for a permissible act, it may be used only for its intended use and if the room occupied by it were needed, but it was *not* permitted to shift it from the sunshine into the shade.

R. Sapa, R. Aha b. Huna, and R. Huna bar Hanina were sitting together. The latter asked R. Sapa, according to Rabha, who explains Nehemiah's teaching (that even a permissible thing must not be removed for the purpose of occupying its place): "How can we remove dishes after eating?" Said R. Sapa: "It is equal to a dirty thing (standing on a clean place), which may be removed at any time."

R. Mari bar Rahel had several leather bolsters that lay in the sun (on a Sabbath). He came to Rabha and asked him if he might move them. Rabha told him it was allowed. Said R. Mari again: "I have other bolsters besides these." Answered Rabha: "This makes no difference. Thou mightst need those too if guests should call." Said R. Mari again: "I have sufficient for guests also." Said Rabha to him: "This proves to me, then, that thou art of the opinion of Rabba, who prohibits the moving of things from the sunshine into the shade on Sabbath. Hence everybody else may do this, but thou must not."

Said R. Aba in the name of R. Hyya bar Ashi, quoting Rabh: Whisks may be handled on the Sabbath to sweep the tables, but the brooms made of date-palms (which are only intended for floor-sweeping) must not be used for sweeping the tables. This was also stated by R. Elazar.

MISHNA: Of all utensils which may be handled on the Sabbath, fragments may also be handled, but it must be with a purpose, viz.: the pieces of a kneading-trough to cover the bunghole of a cask, the pieces of a glass to cover the mouth of a pitcher. R. Jehudah says: "They must be fit for the same use (as the whole utensil), viz.: the parts of a kneading-trough to hold a brew, and the pieces of a glass to hold oil."

GEMARA: Said R. Jehudah in the name of Samuel: "The first Tana of the Mishna and R. Jehudah differ only as to fragments which were broken off on the Sabbath; for the former holds that the fragment is part and parcel of the utensil, and fit for the same use, while R. Jehudah holds, that the fragment is a newly created thing; but if the fragments were broken off before the Sabbath set in, all agree that they may be handled: because they were prepared for use while it was yet (week) day."

We have learned, in one Boraitha, that fire may be made with utensils, but not with fragments; and in another Boraitha we have learned, that as we may make fire with utensils, so we may also use fragments for the same purpose. In a third Boraitha, however, we were taught, that we must not make fire with either utensils or fragments. We must say, then, that the first Boraitha is in accordance with the opinion of R. Jehudah (who holds to the theory of "Muktza" and Noled (a newly ceated thing), the second Boraitha is in accordance with the opinion of R. Simeon (who holds to neither of the two theories), and the third Boraitha is in accordance with R. Nehemiah (who holds that

every utensil must be used for its particular purpose and not for other purposes).

R. Na'hman said: "Bricks left over from a building may be handled, because they can be used as seats; but if the bricks were piled up one on top of the other, they were evidently designated for building, and must not be handled." R. Na'hman said in the name of Samuel: A fragment of a piece of pottery may be handled in private ground, but not in unclaimed ground (because in private ground other vessels can generally be found and the fragment may be used as a lid or cover, but in unclaimed ground there are no other vessels and the fragment cannot be used in that manner); but R. Na'hman himself declares, that the fragment may be handled in unclaimed ground also (because in unclaimed ground there may also be some things which can be covered), but not in public ground; and Rabha, however, says, it may be handled even in public ground (because having been once regarded as a utensil in private ground it remains such everywhere).

This theory of Rabha's is borne out by his action; for it happened that he was walking on the street Ritka in the city of Mehuzza on a Sabbath, when his shoe became soiled with dirt. His servant came and cleaned it off with a fragment of a piece of pottery. The rabbis who went behind him scolded his servant for this act, whereupon he (Rabha) remarked: "It is not enough that they have not learned (what is permissible and what is not), but they also want to teach others. If this fragment were in private ground, it would have been a useful article because a vessel could be covered with it, and here in public ground it is useful to me."

R. Jehudah in the name of Samuel said: "The bung-head of a broken barrel may be handled on Sabbath." We have also learned this in the following Boraitha: "The bung-head and the pieces of a broken barrel may be handled on Sabbath, but it is not allowed to break off a piece of the fragments and cover a vessel with it or put it under the legs of a bedstead." If the bung-head and pieces, however, were thrown away among the garbage before the Sabbath, they must not be handled at all.

R. Hamdura said in the name of Samuel: "The waste of a mat may be used on the Sabbath." Why so? For what purpose can it be used? Said Rabha: "Bar Hamdura explained this to me as follows: What is a mat used for? To prevent the dust from settling upon an object, and the waste can also be used

for covering up dirt." R. Zera said in the name of Rabh: "Remnants of silken togas must not be handled on the Sabbath." Said Abayi: "This is said of remnants that measure less than three fingers square and are of no value to either rich or poor."

The rabbis taught: Fragments of an old oven are equal to any other vessels that may be handled on Sabbath. So said R. Meir; but R. Jehudah said they may not be handled. R. Jose testified in the name of R. Eliezer ben Jacob, that fragments of an oven may be handled on the Sabbath and the covers of an oven may be handled even if their handles are broken off. Said Rabhina: "According to whose opinion do we handle to-day the covers of the ovens used in the city of Mahassia, which have no handles? It must be according to the opinion of R. Eliezer ben Jacob."

MISHNA: One may dip water with a hollow pumpkin to which a stone is fastened, providing the stone will not fall off; otherwise, one must not dip water with it. One may dip water with a jug to which a vine branch is fastened.

"For a window-blind," says R. Eliezer, "a thing may only then be put up, if it be fastened and hang down; otherwise, it must not." The sages say it may be put up in any manner.

GEMARA: We have learned in another Mishna: "If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down." Said Rabba in the name of R. Ami, quoting R. Johanan: "The case applies only when the stone lying at the opening of the barrel was left there unintentionally; but if placed there on purpose, the barrel becomes a base for a prohibited thing (and must not be moved)." R. Joseph in the name of R. Assi, quoting R. Johanan, said, on the contrary: "If the stone was left there unintentionally the barrel must be bent over, so that the stone fall down; but if placed there intentionally, it serves as a lid to the barrel, and may be removed." On what points do R. Ami and R. Assi differ? One holds, that an act must be accomplished in order to be an act, while the other holds the intention to be equivalent to the deed, and their respective theories are borne out by their opinions which follow:

For when R. Dimi, and according to others R. Zera, came from Palestine, he related in the name of R. Hanina: It happened that Rabbi once went to a certain place on a Friday, and finding a pile of stones said to his disciples: "Go and have it in your minds that we intend to sit on these to-morrow." Thus

Rabbi did not order them to act, but merely to think. R. Johanan, however, said, that Rabbi ordered his disciples to act. And what, according to R. Johanan's opinion, were the disciples to do? R. Ami said, that Rabbi ordered them to place the stones in position for them to sit on, but R. Assi said, that Rabbi ordered them not only to place the stones in position, but also to clean them (because, in the latter's opinion, changing the position of an object does not constitute an actual deed).

It was taught: R. Jose b. Saul said it was not stones but a pile of building wood. R. Johanan b. Saul, however, said it was not building wood but poles with which the depth of the water is sounded.

"*One may dip water with a hollow pumpkin to which a vine-branch is fastened.*" If it is fastened one may, and if not, one may not. Shall we assume that our Mishna is not in accordance with the opinion of R. Simeon ben Gamaliel? as we have learned in a Boraitha: Branches of a tree which were intended for kindling, if subsequently used for sitting purposes, must be tied together, but R. Simeon ben Gamaliel said, they need not be tied together.* Said R. Ashi: It may be said, that this Mishna is not at variance with the opinion of R. Simeon ben Gamaliel, but is merely a precautionary measure, for fear that a branch, being brittle, might be broken by the man if not tied together.

"*For a window-blind,*" etc. Rabba bar bar Hana in the name of R. Johanan said: All agree that it is not permitted to put up even a temporary tent† to begin with on a biblical festival, and decidedly not on the Sabbath, but as for adding (that is, if part of the blind was already up) a blind to a temporary tent that had already been put up, R. Eliezer said, that it is not permissible on a festival and much less so on the Sabbath, and the sages declare, that it is permitted on the Sabbath and so much the more on a festival.

"*The sages say it may be put up in any manner.*" What is meant by "in any manner"? Said R. Aba in the name of R. Kahana: "By that is meant, that it makes no difference whether the blind was fastened or not, providing it was prepared for its purpose since the day before." Said R. Jeremiah to him:

Compare page 90, in this tract.

† By a temporary tent, says Rashi, is meant principally a sheet put up on four poles to serve as a roof, but screens on the sides are not considered a tent. The putting up of a window-blind in a building, however, is regarded by R. Eliezer as an addition to the building.

"Why wouldst thou assume that the sages would be more lenient in this matter? Say rather that they meant to state, that it made no difference whether the blind hung down or not, providing it had been previously fastened." R. Aba answered: "Because I hold with the Tana of the following Tosephta: A stick, prepared by the master of a house for the opening and locking of a door, may be used on Sabbath, providing it was fastened and hung to the door; otherwise, it must not be used. R. Simeon ben Gamaliel, however, declared, that as long as it was prepared for that purpose, it was of no consequence whether it was fastened and hung to the door." (Thus it may be seen that R. Aba held with R. Simeon ben Gamaliel.)

R. Jehudah bar Silas in the name of R. Assi, quoting R. Johanan, said: "The Halakha according to R. Simeon ben Gamaliel prevails." Did R. Johanan say this in reality? Have we not learned in a Mishna, that all covers of vessels having handles attached may be handled on Sabbath? Referring to this, R. Jehudah b. Shila in the name of R. Assi, quoting R. Johanan, said, that such would be the case only if the covers could be made use of as independent vessels. (How, then, can R. Johanan hold with R. Simeon ben Gamaliel, who says, that the stick which was not fastened to the door may be used on Sabbath, surely it is not an independent vessel?) Shall we assume, that R. Johanan holds with R. Simeon ben Gamaliel only in the case where the stick could also be used for other purposes and thus could be called an independent vessel? Then how can it be said that R. Johanan holds with R. Simeon ben Gamaliel, for the latter does not require the stick to be an independent vessel, as we have learned above in the matter of the branches (see page 273), where R. Simeon ben Gamaliel declares, that they need not be tied together? R. Johanan is in accordance with him only in the matter of the stick being prepared for its particular purpose without being fastened to the door, but disagrees with him as regards an independent vessel.

R. Itz'hak of Naph'ha* proclaimed at the door of the Exilarch's house, that the Halakha according to R. Eliezer prevailed. R. Amram raised an objection: "We have learned in the last Mishna of this Tract as follows: 'Thence we learn that it is permitted to put up a window-blind, to measure and to tie on the Sabbath.'" (How, then, could R. Itz'hak say, that the

* See note to page 96, in this tract.

Halakha according to R. Eliezer prevailed ?) Said Abayi to him: Upon what is thy objection concerning R. Itz'hak based ? The Mishna just mentioned gives the opinion of the sages only, who are at variance with R. Eliezer in our Mishna, and thou mightst say, that because no contention is mentioned, the Halakha according to the sages prevails; then thou knowest of another Mishna (in Erubin), concerning the hinge of a cupboard door, no name is mentioned, and still the Mishna appears to be in accordance with the opinion of R. Eliezer only (thus R. Itz'hak can accept R. Eliezer's opinion). Saith the Gemara: (Although Abayi justified R. Itz'hak) an *act* of the sages (as is related in the last-mentioned Mishna) is sufficiently decisive to establish the Halakha.

MISHNA: All lids of utensils may be removed (on the Sabbath), provided they have handles. Said R. Jose: What does this apply to ? To lids of vessels fastened in the ground, but lids of vessels in general may be removed at all events.

GEMARA: Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "The lids of utensils may be handled only if they can be made use of for other purposes as independent vessels." Saith the Gemara: "All agree, that covers of utensils (fixtures) fixed in the ground must be handled only if they have handles attached, and lids of other utensils not fixed in the ground may be handled even if they have no handles, but the point of the divergent opinions is as regards the covers of ovens, the one side contending, that ovens must be regarded as fixtures in the ground and the other side contending that they are ordinary utensils."

CHAPTER XVIII.

REGULATIONS REGARDING THE CLEARING OFF OF REQUIRED SPACE, THE ASSISTANCE TO BE GIVEN CATTLE WHEN GIVING BIRTH TO THEIR YOUNG AND TO WOMEN ABOUT TO BE CONFINED.

MISHNA: One may even clear off four or five chests of straw or grain, in order to provide room for guests, and to remove obstacles to instruction; but one must not clear out a whole barn. Further, one may clear off: heave-offerings, grain (of which it is not certain that the tithes have been set apart), first tithes of which the heave-offering has been taken off, second tithes and consecrated things which have been redeemed, and dried broad-beans, which serve the poor (others say, the goats) for food. But one must not clear off mixed grain (of which tithes have not yet been separated), nor first tithes of which the heave-offering had not yet been taken off, nor second tithes nor consecrated things which had not yet been redeemed, nor arum (wake-robin) nor mustard. R. Simeon ben Gamaliel permits arum (wake-robin) to be cleared off, because it serves the (house) raven for food.

Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder, otherwise they must not be handled.

GEMARA: The Mishna says, "four or five chests." Why say four or five? If five may be cleared off, surely four may! Said Samuel: This is said only as a customary saying; but in reality it means to say that any number may be cleared off; but by saying "one must not clear off a whole barn," the Mishna means to state, that all the straw should not be removed for fear lest pits be noticed in the ground, and the man might fill them up. Even if the whole barn be full and as yet untouched, one may commence to remove as much as is necessary, and the Mishna is in accordance with the opinion of R. Simeon, who disregards the law of Muktza.

The rabbis taught: One may not commence on a full barn, but one may remove enough, when entering, with his feet, to

provide an entrance, and when going out to make a way of egress.

The rabbis taught: A sheaf of grain, if commenced prior to the Sabbath, may be used on the Sabbath; but if not, it must not be used on Sabbath, so saith R. A'ha, but R. Simeon permits this to be done. How large should the sheaf be? We have learned in a Boraitha that it should measure one Lethach.*

The schoolmen propounded a question (not having heard Samuel's explanation): "How is the term 'four or five chests' to be understood? Should a man clear off only four or five chests, even if that be not room enough for his guests; or should he do so in proportion to the number of his guests? If according to the number of his guests, does it mean to say, that one man should clear off sufficient for all, or every man for himself?" Come and hear: Rabba told in the name of R. Hyya: It once happened that Rabbi went out on a Sabbath to a certain place, and saw that the place assigned to him for lecturing was too small; so he went out into the field, and found the whole field full of sheaves. He cleared off the field, and provided sufficient room." Thence we see that he did so in proportion to the number of his guests; but this narration decides only one part of the schoolmen's question, viz.: the one relating to the number of sheaves to be cleared off, but not the one relating to whether one man may clear off sufficient for all, or every man for himself. Come and hear: "Rabbi cleared off the field," etc. (that is, one man for all). And what think you, that Rabbi did this himself? he certainly must have ordered this to be done, so it is not known whether one man did it, or each man for himself.

"*For guests,*" etc. R. Johanan said: "The reward for hospitality is equal to that for visiting the house of learning, for the Mishna saith for guests and for obstacles to instruction, thus putting the two causes on a par." Said R. Dimi: "Hospitality is even a greater virtue, for it is given the precedence over instruction."

R. Jehudah said in the name of Rabh: Hospitality is even a greater merit than receiving the Shekhina, as it is written [Genesis xviii. 3]: "And he said, My Lord, if now I have found favor in thy eyes, pass not away," etc. (showing that Abraham let the Lord wait while he went to receive his guests). Said R. Elazar: Come and see how the custom of the Holy One,

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*A measure of grain spoken of in Hosea iii. 2, and presumably a half of a Kur.

blessed be He, is unlike that of human beings. An insignificant man cannot say to a great man: "Stay here until I come back again," whereas to the Holy One, blessed be He, Abraham said as mentioned above.

Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "There are six things, the interest on which a man consumes on earth, while the principal is given him in the world to come. They are: Hospitality, visiting the sick, contemplation before prayer, attending the house of learning, educating children in the Law, and charity in judging others." Is this so? Have we not learned in a Mishna: These are the things the interest of which a man consumes on earth and the principal of which is given him in the world to come? "Honoring father and mother, doing favors to neighbors, peace-making among men, and, above all, the study of the Law." Now, if the Mishna says "these are the things," it means no others! Nay; the six things previously mentioned are included in those subsequently enumerated (hospitality and visiting the sick are included in doing favors to neighbors; contemplation before prayer is a favor to one's self, as it is written [Proverbs xi. 17]: "The man of kindness doth good to his own soul"; attending the house of learning and educating children in the Law is included in the study of the Law; charity in judging others is included in peace-making among men, and R. Johanan does not dispute the Mishna, but merely expounds it).

The rabbis taught: One who exercises charity in judging others is charitably dealt with when judged above. It once happened that a man came from upper Galilee and hired out to a master in southern Palestine for three years. On the last eve of the Day of Atonement (when his term was up) he asked his master for his wages, so that he could return to his wife and children. The master replied that he had no money. Said the man: "Then give me my money's worth in grain." And the master answered: "I have it not." Said the man again: "Give me my money's worth in land," and again the master replied: "I have it not." "Then give me my money's worth in cattle." "I have it not," was the reply. "I will take my money's worth in bolsters or bed-clothes," pleaded the man, but the answer was still the same. The poor man shouldered his bundle and sorrowfully went away. After the holidays the master took the hired man's wages and, besides, three asses; one laden with victuals, the second with beverages, and the third

with spices, and went to his hired man's house in Galilee. After having partaken of a meal together, the master paid him his wages, and asked him: "When I told thee that I had not the money to pay thee thy wages, what didst thou suspect me of?" The man answered: "I thought that perhaps thou hadst come across a bargain and hadst paid out all thy ready money." "And when thou askedst me for cattle and I refused thee, what didst thou think then?" "I thought that thou hadst hired out thy cattle on some other farm, and thou couldst not give me any at the time." "And when thou askedst me for grain and I refused?" "I thought perhaps thou hadst not yet paid thy tithes and hence thou couldst not give me any." "And when I refused thee land?" "I thought perhaps thou hadst rented it out." "And when I refused thee bed-clothes?" "Then I thought that thou hadst devoted all thy possessions in honor of the Lord." "I swear to thee, then, that such was really the case. I had made a vow to give away all my possessions for charitable purposes, because my son Hurkenes did not want to study the Law. Afterwards, when I came to my comrades in the South they released me from my vow, and as thou didst judge me in kindness, so may God judge thee in kindness."

The rabbis taught: A pious man once ransomed a Jewish maiden from captivity. When they came to a lodging-place at night, he laid her down at his feet. On the morrow he bathed, and then went out to teach his disciples. During the lesson, he asked his disciples: "When I laid the damsel down at my feet last night, what did you suspect me of?" And they answered: "Perhaps there may be one among us who has not yet been tried and thou couldst not trust him, so thou laidst her near thee." "And when I went in the morning and bathed, what did you suspect?" "Perhaps, on account of the hardships on the way, thy seed of copulation ran out from thee and thou wert compelled to bathe." "By the Lord," said the master, "so it was; and as ye have judged me in kindness, so may the Lord judge you in kindness."

The rabbis taught: It happened that the sages had business with a Roman matron to whom all the great men of Rome came for advice, and they could not decide who should go to her. Finally R. Jehoshua volunteered to go, and so he and his disciples went to her. Four ells from the door of her house, R. Jehoshua removed his phylacteries and went in, locking the door behind him. When he came back he bathed, and then went

back and taught his disciples. During the lesson he asked: "When I removed my phylacteries, what did ye suspect?" And they answered: "The phylacteries are holy, and thou didst not wish to bring them into a profane place." "And when I locked the door behind me, what did ye suspect?" "We thought perhaps thou hadst a secret political affair to transact and didst not wish us to enter." "And when I came out and bathed, what did you suspect?" And they replied: "We thought perhaps some of the matron's spittle had accidentally dropped on thy garments and thou hadst to bathe." "By the Lord," said R. Jehoshua, "so it happened; and as ye judged me in kindness, so may the Lord also judge you in kindness."

"*Further, one may clear off heave-offerings*," etc. Is this not self-evident? It might be assumed that the heave-offerings being in possession of a plebeian who is not allowed to partake of them, they must not be handled; but the Mishna comes to teach us, that because a priest is allowed to eat them, they may be handled by everybody.*

"*And dried broad-beans.*" The rabbis taught: Hatzav (a certain plant the roots of which grow deep into the ground but do not spread) may be handled on the Sabbath, because it is food for deer. Mustard may be handled, because it is food for doves. R. Simeon ben Gamaliel said that pieces of glass may be handled, because ostriches eat them. Said R. Nathan: "In this case twigs may be handled, because they serve elephants for food." What did R. Simeon answer R. Nathan? Ostriches are more frequently owned by men than elephants. Said Ameimar: "R. Simeon ben Gamaliel means to say, that only one who possesses ostriches may handle pieces of glass?" Said R. Ashi to Ameimar: "If this is so, what did R. Nathan question? If one possesses elephants, he may surely handle twigs. So R. Nathan means to say, that because twigs serve as food for elephants, anybody may handle them; and the same applies to pieces of glass, because they serve ostriches for food, everybody may handle them (on the Sabbath)."

"*Bundles of straw*," etc. The rabbis taught: "Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder; otherwise, they must not be handled." R. Simeon ben Gamaliel said: "If the

* The discussions concerning the mixed grain and all the other subjects enumerated in the above Mishna appear again in Tract Berachoth, where we shall render them in the course of our work.

bundles can be lifted with one hand they may be handled, but if not they must not be handled."

Bundles of satureia, abrotanum, and thyme, if prepared for fuel, must not be used on Sabbath, but if prepared for cattle-food may be used. Grain from an ear (of wheat, etc.) may be taken by hand only, but not with a vessel. One may even take a few grains from growing ears with his fingers, and eat them, but must not take them with a vessel, so saith R. Jehudah; but the sages say, that one may do this with his fingers, but not with both hands, as usually done on week-days. The same ordinance holds good for any other spices.

It was taught: Salt meat may be handled on Sabbath, but fresh meat must not be handled, according to R. Hisda; but R. Huna permits this.

The rabbis taught: Salt fish may be handled, but not stale unsalted fish, and meat may be handled, be it fresh or salt.

The rabbis taught: Bones may be handled, because dogs eat them; putrid meat may be handled, because beasts of prey eat it. Uncovered water* may be handled, because cats drink it. R. Simeon ben Gamaliel, however, said, that all these things should not be kept in the house even on week-days, because they are dangerous.

MISHNA: One may set a basket on end for chickens, in order that they may climb up or down upon it. A runaway hen may be chased until she goes back again. One may lead about calves or young asses to exercise them. A woman may lead her son about to give him exercise. R. Jehudah says: "When (may she do) this? If the child lifts one foot and sets down the other; but if it trails (its leg) behind, she must not."

GEMARA: Said R. Jehudah in the name of Rabh: "If a cow fall into a lake, it is allowed to throw into the lake bolsters, bundles, vessels, etc., in order to give the cow a foothold and enable her to get out." An objection was made: We have learned in a Boraitha: "If a cow fall into a lake, food may be brought to her in order that she may not starve to death." So it refers only to food, but nothing is said in reference to bolsters, etc. This presents no difficulty. Where food can be brought it may be done, but when the cow cannot be reached, bolsters, etc., may be brought. But a vessel that is prepared for other

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*Water was never kept uncovered in the Orient for fear of snakes, and any water that was found uncovered was immediately thrown out.

purposes is thereby destroyed? That is simply a rabbinical ordinance, but pity for creatures is a Mosaic law and has precedence.

"*A runaway hen may be chased,*" etc. The hen may be chased, but not led. This is a similar teaching to that of another Boraitha, wherein we have learned, that all animals and birds may be led about in private ground with the exception of a hen. Why not a hen. Said Abayi: "Because a hen, when led, will not walk, but will jump and fly, and the man leading her will be forced to carry her."

MISHNA: On a feast-day one must not deliver cattle, about to give birth, of their young, but may be of assistance to them in any other manner. One may give a woman (about to give birth to a child) all assistance possible, even call a midwife from a distance; one may violate the Sabbath on her account and tie the navel-string. R. Jose says: One may also cut the string. Lastly, one may accomplish anything necessary for the circumcision on the Sabbath.

GEMARA: What is meant by "being of assistance"? Said R. Jehudah: "To hold up the young, that it may not fall," and R. Na'hman said: "To pull out the young by pressing the sides." R. Jehudah's explanation is supported by the following Boraitha: "How is an animal assisted in giving birth to her young? By holding up the young, blowing air into its nostrils, and leading it to its mother's breast, so that it may suck."

R. Simeon ben Gamaliel said: "When a clean animal (one that may be eaten) gave birth to her young on a festival and would not take to it, we would coerce her into taking to her offspring." How would this be done? Said Abayi: "They would bring a handful of salt, lay it in the mother's womb, and the pain that would be caused thereby would remind the mother of her young, and she would immediately take to them, and they would pour the water discharged by the mother on the young, so that the mother would scent it and seek her young. This was done, however, only with a clean animal, but not with an unclean animal. Why so? Because usually an unclean animal will not cast off her young, and should she do so, she will never take to them again."

"*One may give a woman (about to give birth to a child) all assistance possible.*" Let us see! The Mishna says, that one may call a midwife even from a distance, and then, that one may violate the Sabbath on her account. What is the object in

particularizing what may be done? The Mishna means to tell us, what the rabbis taught, viz.: "If a woman lying in is in need of a light, another woman may light a candle for her; and if she needs oil, the waitress may bring her oil through public ground in her hands; should that not be sufficient she may bring it in her hair, and if that does not suffice she may bring it in a vessel."

The master said: "If a woman lying in is in need of a candle, another woman may light it for her." Is this not self-evident? He means to tell us, that even if the woman lying in be blind, and one might say, that being blind she needs no candle, hence it should not be lit; the candle should be lit for her at all events, for she may need a thing that others could not see without a light, while, by aid of the light, they would find it and hand it to her.

Further, it says, that a woman may bring her oil in her hair. This would be worse still, for the hair would have to be wrung, and that would make the woman (who brought the oil) guilty of wringing (on Sabbath). Rabba and R. Joseph both said, that wringing hair does not constitute wringing within the meaning of the law. R. Ashi said: "Even if wringing the hair would constitute wringing within the meaning of the law, the woman should bring the oil in a vessel which should be placed on the hair (head); for any work which must of a necessity be performed on a Sabbath, should be performed in as far different a manner from that done on a week-day as possible."

R. Jehudah said in the name of Samuel: "As long as the womb of a woman lying in is still open, whether she says she must have it done or not, the Sabbath may be violated for her. As soon, however, as the womb is closed, the Sabbath may be violated only if she says she must have it done; otherwise, it must not be violated, so taught Mar Zutra." R. Ashi, however, taught in the name of the preceding authority, that as soon as the womb is closed, even if the woman says she must have it done, the Sabbath must not be violated on her account.

Said Rabhina to Mareimar: "Mar Zutra is more lenient in his teaching, and R. Ashi the stricter; according to whom does the Halakha prevail?" Answered Mareimar: "The Halakha according to Mar Zutra prevails, for it is the general rule, that wherever human lives are concerned, the more lenient teaching is always accepted as final."

At what time is the womb considered to be open? Abayi

said: "From the time the woman commences to give birth." R. Huna the son of R. Jehoshua said: "From the time blood commences to flow"; and others say, from the time that she becomes helpless and her attendants lay her on the bed.

How long is the womb considered to be open? Abayi said, for three days after birth, and Rabha in the name of R. Jehudah said, for seven days, and others say for thirty days. The scholars of Neherdai divide the time of a woman lying in into three periods of three, seven, and thirty days each. During the first period, whether the woman says she must have it done or whether she says it need not be done, the Sabbath may be violated for her. During the second period, if she says it must be done, the Sabbath may be violated; but if she says it need not be done, it must not be violated; and during the third period, even if she says she must have it done, the Sabbath must not be violated by Israelites, but it may be done by Gentiles. This is according to R. Ula the son of R. Ilai, who says, that everything which must be done for a sick person on the Sabbath should be done by Gentiles, and also according to R. Hamnuna, who said, that all things which are to be done for a person who is not dangerously ill, should be ordered done by a Gentile. As it happened with the daughter of R. Hisda (the wife of Rabba), who took a bath in her husband's absence, before the thirty days were up, and caught cold, and friends were compelled to bring her, still lying in bed, to Rabba in Pumbaditha.

Said R. Jehudah in the name of Samuel: "A woman lying in should be given thirty days." For what law should she be given thirty days? The men of Neherdai said, for bathing (that is, she should not bathe for thirty days, in order that she may not catch cold). Said Rabha: This rule applies to women whose husbands are not at home, for when the husband is at home, he can take care of his wife and prevent any bad consequences.

R. Jehudah in the name of Samuel said again: One may kindle a fire for a woman lying in, on the Sabbath, and not only for a woman lying in, but also for a sick person; not only in the winter but also in the summer-time, as R. Hyya bar Abhin said in the name of Samuel, that one, who was bled and caught cold, may have a fire made for him on Sabbath not only in the winter, but also in the summer-time. Samuel once was bled and caught cold, so a chair made of elm-wood was chopped up and a fire made for him (on Sabbath). The same thing happened to

R. Jehudah; so a table of cedar-wood was chopped up and a fire made for him. Rabba had the same experience and a stool was used to make a fire, and when told by Abayi that he was guilty of destroying a useful article said: "My personal welfare is dearer to me than the article."

Said R. Jehudah in the name of Rabh: "A man should sell even the roof of his house and buy shoes for himself if in need of them; but if he had recently been bled and feels hungry, he should sell even these shoes and buy food with the proceeds." What kind of food should he purchase? Rabh said meat, and Samuel, wine. Rabh said meat, as being a substitute for flesh lost through bleeding, and Samuel said (red) wine, as a substitute for (red) blood.

When Samuel had himself bled, a dish made of milt was prepared for him, and R. Johanan would drink wine until it could be smelt through his ears. R. Na'hman would drink wine until his spleen would float in wine. R. Joseph would drink wine until his veins would swell so that the lancet would be forced out, and Rabha would drink only wine that was three years old.

Said R. Na'hman bar Itz'hak to his disciples: I beg of you, that on the day on which you have yourselves bled, you should go home and say that Na'hman will come to visit you. (In consequence a good meal and wine will be prepared, and you can partake of it.) Deceit is not permitted under any circumstances, but those mentioned as follows:

One who is bled, and has not the money to buy wine, should take a mutilated Zuz and go to seven wine-dealers. When asking for wine he will be given some to taste, and when offering his money, it will be rejected. He will then proceed to another dealer, and keep on until he will have drunk a quarter of a lug. One who cannot even do this, should eat at least seven black dates and should put oil on his temples, then lie down in the sun and go to sleep.

Abhlat (a Persian official) found Samuel sleeping in the sun and said to him: "Thou leader of Jews! Can a good thing emanate from a bad one?" Samuel answered: "This is my bleeding-day." In reality this was not so, but there are days when sleeping in the sun is healthful; for instance, on the day when the Tamuz (July) equinox falls, but Samuel, who was a physician, would not tell this to Abhlat.

Rabh and Samuel both said: "The man who eats a light

meal on the day when he is bled, has light earnings decreed for him in heaven for the following year, because if he himself has no pity for his own body, he is not worthy of being pitied by the heavenly host." The same two authorities also said, that one who was bled should not sit where the wind blows; for it may be that the surgeon who bled him allowed too much blood to escape, and the wind might force still more blood from him, and thus become dangerous. Samuel was always bled in a house the walls of which were of seven bricks' thickness, and at one time it happened that he felt weak; he looked up, and noticed that a brick was missing from the wall.

Rabh and Samuel also said, that a man who was bled should not go out into the street without having partaken of something. If he does and meets a corpse, his face turns yellow, and if he should happen to meet a murderer he will die himself, and if he meets a pig he will become scabby. They also said, that after bleeding a man should not rise immediately, but should rest a while and then get up; for the master said, that five things are more conducive to death than to life. They are: Eating and arising immediately, drinking and arising, sleeping and arising, being bled and arising, and having sexual intercourse and arising immediately afterwards.

Samuel said: "A young man should be bled every thirty days until he is forty years of age. From forty to sixty he should be bled every two months, and after sixty he should be bled every three or four months."

Samuel said again: The fourth day of the week, if falling on the fourth, fourteenth, or twenty-fourth day of the month, or if it is a Wednesday after which there are less than four days to the end of the month, is a dangerous day for bleeding. Bleeding on the first and second of every month produces weakness, and on the third day it is dangerous. Bleeding on the eve of any biblical festival produces weakness, and on the eve of Pentecost it is dangerous, in consequence of which the rabbis instituted the precautionary measure, that no man should be bled on the eve of a festival, for fear that he might have it done on the eve of Pentecost.

Again Samuel said: "One who had eaten heartily of wheaten food is not wholly benefited by being bled, but is simply eased for the time being." This means to say, then, that one who has a heavy feeling can ease himself *temporarily* by being bled after a meal, but is not permanently benefited thereby. After being

bled one may drink immediately, but should not eat until the time in which he could walk half a mile had elapsed.

(On a day when nothing profitable had been performed) Rabh used to proclaim (the following simile): If one bled a hundred persons, he earned a Zuz for each; if he cut the hair of a hundred persons, he earned a Zuz for each; but if he trimmed the mustaches of a hundred men, he labored in vain.* (There was no charge made for trimming mustaches when done in conjunction with hair-cutting or bleeding.) Said R. Joseph: We learned at the college of R. Huna, that a day on which the disciples did not study was called a mustache-day, and I did not understand the meaning of the term; but now I can see the significance of the expression, for it means to say that the day was lost.

"*And tie the navel-string.*" The rabbis taught: "One may tie the navel-string," and R. Jose said: "One may cut it also on the Sabbath and deposit the afterbirth, which is supposed to be a remedy to keep the child warm." R. Simeon ben Gamaliel said: "Daughters of kings would deposit the afterbirth in a bowl of oil and rich men's daughters would deposit it in carded wool. Poor people would deposit it in feathers." Said R. Na'hman in the name of Rabba bar Abuha, quoting Rabh: "The Halakha according to R. Jose prevails."

R. Na'hman said again, quoting the same authorities: "The rabbis agree with R. Jose, that when two children were born, both attached to one navel-string, the latter may be cut, because otherwise it would be dangerous." He also said again, in the name of the same authorities: All that is contained in the sermon of Ezekiel may be done for a woman lying in on Sabbath, as it is written [Ezekiel xvi. 4]: "And as for thy birth, on the day thou wast born thy navel was not cut, nor wast thou washed in water to be cleansed; and thou wast not rubbed with salt, nor wrapped in swaddling clothes." "And as for thy birth," from this we may infer, that one may assist in the birth of a child on Sabbath. "Thy navel was not cut," from this we infer, that the navel may be cut on Sabbath. "Nor wast thou washed in water to be cleansed." This teaches us that the child may be washed on Sabbath. "Thou wast not rubbed with salt." From this we know, that a child may be rubbed with salt on Sabbath. "Nor wrapped in swaddling clothes." This teaches us, that we may wrap a child in clothes on the Sabbath.

* This explanation is the one given by the commentary of Tosphath, which seems to us to be more to the point than the one given by Rashi.

CHAPTER XIX.

REGULATIONS ORDAINED BY R. ELIEZER CONCERNING CIRCUMCISION ON THE SABBATH.

MISHNA: R. Eliezer saith: If the knife used for circumcision was not brought on the day preceding the Sabbath, one is to bring it publicly on the Sabbath; in times of danger (during persecutions) one may conceal it (about the person) before witnesses. Further, R. Eliezer saith: One may even cut wood to be burnt into charcoal, in order to forge an iron instrument (knife for circumcision). The following rule was laid down by R. Aqiba: All work (necessary in aid of circumcision) which *could* have been performed on the day before (Sabbath) does not supersede (the observance of) the Sabbath, but such work as could *not* have been performed on the day before, *does* supersede (the observance of) the Sabbath.

GEMARA: A question was propounded by the schoolmen: "What does R. Eliezer mean by saying, 'one is to bring it *publicly* on the Sabbath'? Doe she mean to say, that the man thereby demonstrates how dear a commandment (of the Lord) is to him, that he is ready to violate the Sabbath for its sake, or is it rather, because the man would be suspected of carrying a prohibited thing on the Sabbath, if he did so surreptitiously?" What difference does it make what R. Eliezer meant? The difference is this: "If the man does it in order to allay suspicion, it would be sufficient to have two witnesses see him conceal the knife about his person and then carry it even in times of peace; but if the man does it in order to demonstrate his love of God's commandments, he must carry it publicly even if he have two witnesses." What is the conclusion? It was taught that R. Levi said: "R. Eliezer meant only for the man to demonstrate his veneration of God's commandments." This is supported by a Boraitha, which plainly states, that a man should carry it publicly, and not have it concealed, such are the words of R. Eliezer. Said R. Ashi: All this is unnecessary. Our Mishna plainly teaches us the same, for it says, that only in

times of danger the knife should be concealed, and it is easily understood that only in times of danger is this to be done, but not under ordinary circumstances, and for what purpose? Only to show that a commandment should be venerated. It follows, therefrom, that the argument is accepted.

We have learned in another Boraitha: "One is to bring it publicly," and not have it concealed, such are the words of R. Eliezer; and R. Jehudah said in the name of R. Eliezer, that in times of danger the custom was to conceal it about the person before two witnesses.

"*Further, saith R. Eliezer,*" etc. The rabbis taught: In the place where R. Eliezer resided, wood was cut and burnt into charcoal, in order to forge an instrument (knife for circumcision) on Sabbath. In the place where R. Jose of Galilee lived, fowls were eaten with milk. R. Itz'hak said: There was a city in Palestine where R. Eliezer's teaching was carried out, and there were no premature deaths in that city; and not only this, but at one time when the government prohibited circumcision in the entire land, that city was not included in the decree.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "Every commandment of the Lord which was received by the children of Israel with joy, for instance circumcision, concerning which it is written [Psalms cxix. 162]: 'I am rejoiced over thy promise,* as one that findeth great spoil,' is even now observed with joy; but every commandment which was received with protest, for instance the law of incestuous marriages, concerning which it is written [Numbers xi. 10]: 'And Moses heard the people weep according to their families,' meaning the case (of intermarriage) among the families, is even now observed reluctantly, for there are no marriages celebrated without some discord among the families."

We have learned, that R. Simeon ben Elazar said: "Every commandment for the observance of which the Israelites were ready to lay down their lives, as for that prohibiting idolatry and commanding circumcision, is observed punctually even to this day; but such commandments as they would not sacrifice themselves for are even now lightly regarded, as is the case with the commandment concerning Tephillin." As R. Yanai said:

* Promise stands for the Hebrew "Imrothecho," literally "thy word," and the word here referred to signifies the first commandment given to Abraham, which was the commandment of circumcision. Hence the deduction, that the commandment of circumcision was received with joy.—*Rashi.*

"Tephillin require a clean body, such as Elisha the man of doves possessed." What is meant by a clean body? Abayi said: "A body that emits no odor when clothed with Tephillin," and Rabha said: "A body that will never become drowsy while wearing Tephillin." Why was Elisha called "the man of wings"? It once happened that the government promulgated a decree by which all Israelites who would use Tephillin (phylacteries) were to be decapitated. This Elisha donned his phylacteries and went out into the market. He was seen by a casdor (quæstor), and the latter pursued him. Seeing that he could not escape, Elisha took the phylacteries from his head and carried them in his hand. When questioned by the quæstor what he carried in his hand, he replied: "Wings of doves." When opening his hand, he really found doves' wings,* and was therefore called the man of wings ever afterwards.

R. Aba the son of R. Ada said in the name of R. Itz'hak: "It once happened, that having forgotten to bring the knife for circumcision on the day before Sabbath, a man brought it on Sabbath, by way of the roof and private ground, against the will of R. Eliezer." R. Joseph opposed this: "How canst thou say, that this occurred against the will of R. Eliezer? It was R. Eliezer himself who permitted bringing the knife on Sabbath? Thou wouldst infer, then, that bringing the knife by way of private ground, and not publicly, was against his will, because he

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* This seeming miracle is explained at length in our History of Amulets, pp. 24–26, and the gist of the explanation is as follows: The government referred to above and in power at the time of Elisha was Greek and not Roman, a fact demonstrated by the late Dr. Krochmal in his "Eyon tephilah." The Greeks, being at that time at war with the Egyptians, sought to destroy any ties of affinity existing between the Jews and the Egyptians, and to that end promulgated the decree prohibiting the wearing of Tephillin by the Jews, for those Tephillin bore close resemblance to the totaphoth (amulets) worn by the Egyptians. As a matter of fact, all amulets worn at that time by the different nations bore a symbol of their gods or idols, and was also a mark of nationality; hence the government in power desired that all its vassals wear its own amulets. The Talmud elsewhere relates that the Samaritans worshipped as their idol the form of a dove, for on Mount Gerizim, which is in Samaritan territory, an idol of that kind was found, which had been worshipped by them. Elisha knew of this, and, mindful of the fact that the Greeks were at peace with the Samaritans, carried along with him amulets in the form of doves' wings (which was the amulet of the Samaritans) in order to substitute them for his Tephillin, whenever the necessity for the deception arose. When closely pressed by the quæstor, and not considering the commandment of wearing Tephillin sufficiently important to sacrifice his life on their account, he, while endeavoring to escape, changed his Tephillin for the doves' wings, to which the quæstor could raise no objection.

insists that the knife should be brought publicly through public ground only. In accordance with whose will was it done? If thou wilt say, it was done in accordance with the decree of the rabbis, who prohibit bringing the knife through public ground, and permit it through private ground and roofs, did the rabbis indeed permit this? Have we not learned in a Boraitha, that in the same measure as it is not allowed to bring the knife through public ground, it must also not be brought through roofs and private ground?" Therefore R. Ashi supplemented the statement of R. Aba by adding, that the knife was brought against the will of R. Eliezer and *his opponents;* but in accordance with the decree of R. Simeon, who permits the carrying of everything through private ground and roofs, even if they were not combined by an Erub (in Tract Erubim).

R. Zera once found R. Assi sitting and saying: R. Simeon ben Lakish said in the name of R. Jehudah Hanassi as follows: It once happened that they forgot to bring a knife for circumcision on the eve of Sabbath, so they brought it on Sabbath. This angered the sages very much, for the reason, that the decree of the former sages had been set aside and that they had acted according to the decree of R. Eliezer. Firstly, because R. Eliezer was an adherent of the school of Shamai; and secondly, because where one man is opposed to a number the majority should prevail, and the majority was against R. Eliezer; and R. Osiah answered the sages, who were angered, that the case was not as it appeared to them. "For," said he, "I asked R. Jehudah the circumciser, and he told me, that the knife was brought through an alley which was not combined by an Erub, from one end to the other, but not through public ground."

R. Zera then said to R. Assi: "Does the master hold, that things may be removed in an alley which was not combined by an Erub?" R. Assi answered, that they might. Said R. Zera again: "Did I not ask thee once before and thou gavest me another answer? Was it because thou wast engaged in other matters and this Halakha escaped thee?" and the answer was: "Such was the case."

R. Hyya bar Aba said in the name of R. Johanan: "The rule laid down by R. Eliezer, that for everything pertaining to circumcision the Sabbath may be violated, does not apply also to other duties of the day which should happen to fall on the Sabbath; because, where the preparations necessary for the

bringing of the two loaves on Pentecost are concerned, R. Eliezer permitted them to be made on Sabbath merely through deduction by analogy, although this was also a duty of the day based on a biblical ordinance." Which other duties of the day does R. Johanan intend to except from this rule? We know, that in preparing the booth, the palm-branch, and all their accessories (for the feast of Booths) the Sabbath may be violated. The same is the case with Lulab, with Matza, and with Shofar, as it is stated in other Boraithas. Such is the dictum of R. Eliezer. Said R. Ada bar Ahabha: "R. Johanan intended to except Tzitzith (show-threads) for a garment and a Mezuzah (door-post inscription) for a house (although both of these are duties of the day, for if a man wear a garment he must have Tzitzith, and if he enter a house he must have a Mezuzah.)" This we have also learned in a Boraitha: "They all agree (even R. Eliezer), that if one made a show-thread for his garment, or a Mezuzah for his door, on the Sabbath, he is liable for a sin-offering." Why so? Said R. Joseph: "Because no specified time is set for the accomplishment of these duties." Said Abayi to him: "On the contrary, just because no specified time was set for the accomplishment of that duty, every moment is the time for performing it (so, if he have the garment on Sabbath, or enter the house on that day, he should perform those duties, and hence it must be considered a duty of the day)." Therefore said R. Na'hman in the name of R. Itz'hak, and according to others R. Huna the son of R. Jehoshua: "The reason is, because one is enabled to abandon these things for the time being (and hence the duty does not devolve upon him for that day)."

From what we have learned above, we see, that for the circumcision itself and all its necessary accessories the Sabbath may be violated, according to the dictum of R. Eliezer. Whence does he deduce this? This is the reasoning of R. Eliezer: It is written [Leviticus xii. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Thus, as it says distinctly the eighth day, it makes no difference what day the eighth falls on, whether it be Sabbath or not. Let us see: The rabbis and R. Eliezer differ only as far as the preparations for circumcision on the Sabbath are concerned, but not as to the circumcision itself. If, then, they do not regard the text quoted as does R. Eliezer, they should not even permit the violation of the Sabbath on account of circumcision itself. What source

do they base their permission on? Said Ula, and also R. Itz-'hak: "This is traditional."

An objection was raised: We have learned that the Sabbath may be violated in order to save life. Whence do we know this? Said R. Elazar ben Azariah: "Why! if it be permitted when circumcision is concerned to violate the Sabbath, where but one of the many members of the body is concerned, it should certainly be permitted in so much greater a degree when the whole body is to be saved. If thou sayest, then, that the permission to perform circumcision on the Sabbath is only traditional, how is it possible that thou shouldst derive an *a fortiori* assumption from a traditional institution?" Therefore R. Johanan saith, that the permission to perform the rite of circumcision on Sabbath is not based upon tradition, but is derived from the word "day," as the verse quoted above reads: "And on the eighth day," etc.; whereas it could read simply, "And on the eighth"; for in the preceding verse we read "seven days," etc.

Said Resh Lakish to R. Johanan: "The word 'day,' however, is also necessary, that we may know that the rite must be performed during the day and not at night!" This can be inferred from another passage [Genesis xvii. 12], where it expressly says: "And at eight *days* old shall every man-child in your generations be circumcised," etc.

R. A'ha bar Jacob said: As far as the rite of circumcision itself is concerned, the rabbis also hold that the permission to perform it is based on the passage quoted, "and on the *eighth* day"; but as for the preparations necessary for circumcision, they claim to find no justification for violating the Sabbath on that account. But it is absolutely necessary that "the eighth" be mentioned, for otherwise how would we know that the rite should not be performed on the seventh? That is also definitely settled by the other passage, as stated above: "And at eight days old," etc. Still, both passages are necessary, in order to prove that the eighth day is the day for circumcision; because, if it did not state expressly "on the eighth day," it might be presumed that the seventh day would do, and if it did not state "at eight days old," it might be presumed that after the child is eight days old any other later day, *e.g.*, the ninth, would do. Hence R. Johanan's explanation is the most acceptable; and we have learned in a Boraitha in support of R. Johanan's explanation, and not of that of R. A'ha bar Jacob, as follows: "On

the eighth day shall he be circumcised, even though it be Sabbath." How, then, is it possible to keep the commandment in Exodus xxxi. 14? "And ye shall keep the Sabbath, for it is holy unto you: every one that defileth it shall surely be put to death." This refers to other labor, but not to that of circumcision. How, then, do we know that circumcision is not included in the prohibited labor, and that the eighth day does not refer to all other days except Sabbath? To this end it reads "the eighth *day*," and "day" means, even on Sabbath.

The rabbis taught: Although it is written [Deut. xxiv. 8]: "Take heed in the plague of leprosy," which signifies, that the leprous spot must not be cut; but if the white spot (the symptom of leprosy) show itself on the member to be circumcised, it may be cut off, whether the member be circumcised at the prescribed time or afterwards.

A biblical festival must not be violated on account of circumcision, unless it happen to be the eighth day (precisely the prescribed time). Whence do we adduce these two ordinances? From the teaching of the rabbis, as follows: The first one is based on the verse [Leviticus xii. 3]: "And on the eighth day shall the *flesh of his foreskin* be circumcised." The order is imperative, regardless of whether the member be leprous or not. Whence do we know this? Perhaps it means to say, that only the healthy flesh of the foreskin be circumcised? Nay; it could say merely the foreskin, but it says expressly the *flesh* of the foreskin, meaning that even if the flesh be leprous it should also be circumcised. What need is there of a special verse for this purpose? During circumcision no intention to cut leprous flesh exists; hence, if it be done, it is done unintentionally, and an unintentional act does not involve culpability? Said Abayi: "The verse is used here to counteract the opinion of R. Jehudah, who holds, that an act committed unintentionally also involves culpability." Rabha said: "The verse must be used, even if the opinion of R. Simeon be adhered to, who holds, that an act committed unintentionally does not involve culpability. For in this case it is different; the act committed here is like the one where a man would behead another and still claim no intention to kill him (and when circumcising the flesh of the foreskin, if there be a leprous sore, one cannot help but cut it). This, even R. Simeon admits, would involve culpability, were it not for that exonerating verse." Does Rabha alone hold thus? Have we not learned elsewhere that Abayi and Rabha both

agree, that R. Simeon declares even an unintentional act, which is, however, like the case of one beheading another without the intention to kill him, to be prohibited? After Abayi had heard Rabha's explanation, he accepted it.

The second ordinance mentioned is, according to Rabha, based upon the verse [Exodus xii. 16]: "No manner of work shall be done on them, save what is eaten by every man; *that only* may be prepared by you." "That" stands for circumcision only in its prescribed time, but not for the preparation for it; and "only" stands as a prohibition not to perform the rite unless it be the prescribed time. R. Ashi, however, said: "No special verse is needed for this, for a festival is referred to [in Leviticus xxiii. 32] as "a sabbath of rest shall it be unto you." Hence it is a positive commandment, and the verse stated (immediately before this) is a negative commandment; thus a festival is covered by both a positive and negative commandment, while circumcision is covered by a positive commandment only, and one positive commandment cannot supersede a joint positive and negative commandment.

"*A rule was laid down by R. Aqiba.*" Said R. Jehudah in the name of Rabh: "The Halakha according to R. Aqiba prevails." We have learned also in the matter of Passover sacrifices to the same effect, that every act of labor that can be performed on the day before Sabbath must not supersede the (due observance of) Sabbath, but the killing of the sacrifice, which cannot be done on the day before Sabbath, *does* supersede (the due observance of) Sabbath; and R. Jehudah declared also, in the name of Rabh, that the Halakha according to R. Aqiba prevails. It is necessary that he should so instruct us at both times, because, if he instructed only as concerns circumcision, we might assume that where sacrifices for the Passover are concerned, the preparations which could have been made on the day before Sabbath, but were not, would supersede the due observance of the Sabbath; because failure to bring that sacrifice would involve the punishment of Karath (being cut off), while failure in circumcision would not involve Karath, if not performed at the right time; and, on the other hand, had he instructed us only as concerns sacrifices for the Passover, we might assume that the Sabbath could be violated if the acts necessary for circumcision which could have been performed on the day before, were not; for the reason, that the covenant regarding circumcision is mentioned thirteen times in the Thora,

and is in consequence regarded as a thirteenfold commandment, which must under all circumstances be observed. Hence the necessity for the twofold instruction.

MISHNA: One may perform everything necessary for circumcision on the Sabbath, as circumcising, tearing open, sucking out the blood, applying a plaster or caraway seed. If the latter had not been ground before the Sabbath, one may masticate it with the teeth and then apply it. If one had not mixed wine with oil before the Sabbath, he may apply each separately. One must not prepare an actual bandage (on the Sabbath), but may apply an old piece of linen; and if such had not been prepared before the Sabbath, the circumciser may bring it with him tied around his finger and even from another court (yard).

GEMARA: Let us see: The Mishna enumerates all the acts necessary for the performance of the rite of circumcision; why, then, does it commence by saying, "everything necessary" for circumcision, and then proceed to detail "everything"? What act is there that has not been enumerated? The Mishna means to include what was taught us by the rabbis, as follows: "The circumciser, while engaged in finishing the circumcision, if noticing that excrescences still remain on the gland, whether they are of a nature which make the circumcision invalid or such as do not make it invalid, may remove them. But if he had already finished (and put up his instruments), if excrescences which make the circumcision invalid remain, he may remove them; but if they do not make the circumcision invalid, he must not remove them." (Hence by stating "everything that is necessary," etc., the Mishna means to include, that it is permitted even to remove excrescences which do not make the circumcision invalid, provided the operator had not already finished and put up his instruments.) Who is the Tana who holds, that if the circumciser had already finished he must not return and remove the excrescences? Said Rabha bar bar Hana in the name of R. Johanan, it was R. Ishmael the son of R. Johanan ben Berokah, as we have learned in a Boraitha: "If the fourteenth of Nissan fall on a Sabbath, the animal used for the Passover sacrifice may be skinned only as far as the breast, so saith R. Ishmael the son of R. Johanan ben Berokah; but the sages say, that the whole animal may be skinned." (Now, we see that R. Ishmael holds, that after the work had been completed as far as was necessary no more may be done; hence he is the one who says, that the circumciser must not return to remove the excrescences.) This

is not conclusive evidence! It may be that R. Ishmael in the case of the sacrifice holds, that because it is not necessary that the commandment be beautified.* But in the case of circumcision, where the beautifying of the commandment is necessary (as is taught in Tract Sakkah), we might say, that R. Ishmael is of a different opinion; therefore the sages of Neherdai say, that the Tanas who hold, that after having finished the circumcision the operator must not commence anew, are in reality the rabbis who differ with R. Jose in Tract Menachoth concerning the law of the showbreads.†

The rabbis taught: "If excrescences remain on the gland after circumcision, and are such as make the circumcision invalid, they must be removed; and failure to do so involves the punishment of Karath." Who becomes liable to be punished by Karath? Said R. Kahana: "The circumciser." (If he performed the circumcision on Sabbath and did not finish it, he simply made a wound and did not perform a commandment; hence he becomes amenable to Karath. R. Papa opposed this: "The circumciser might say, 'I have performed one half of a commandment; come ye and complete the other half. Why should I be punished by Karath?' Therefore if the circumcision was performed on an adult who, excrescences which make it invalid having remained, will not permit them to be removed, he becomes amenable to Karath." This was opposed by R. Ashi: "As for an adult, what news does that impart to us? It is expressly stated [Genesis xvii. 14]: 'And any uncircumcised male, who circumciseth not the flesh of his foreskin, that soul shall be cut off from his people'? Therefore *he* says nay; it really refers to the circumciser, and only then if he came late on Sabbath, near twilight, and was told that it would be impossible to finish the operation before night, but persisted in performing it. If in consequence he left excrescences which make the circumcision invalid, he simply made a wound without performing a commandment, and thus he becomes amenable to Karath."

"*Sucking out the blood.*" R. Papa said: "The circumciser who does not suck out the wound places the child in danger, and should be discharged from office." Is this not self-evident?

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*The Hebrew word "Veanvehu" is interpreted by the Talmud to signify "and I will beautify him," while in the translation of the Bible, by I. Leeser, it is translated, "I will sing his praise," and the reference made to the verse by the Talmud accepts the term in its Talmudical sense.

†This will be explained in the Tract Menachoth.

It certainly must be dangerous not to do this, or the Sabbath would not be violated in order to perform that duty! We might assume, that the blood having already come to the surface it would run out of itself, and hence by sucking it out the Sabbath is not violated; hence we are given to understand that this is not so: the blood is moved only by the suction, and the Sabbath is violated; but failure to do this would involve danger for the child and hence it is permitted, and is regarded the same as applying a plaster or caraway seeds (mentioned further on in the Mishna), the omission of which would also involve danger to the child.

"*Applying a plaster or caraway seeds.*" Abayi said: "My mother told me, that the most effective plaster for all ills is made of seven different kinds of fat and one kind of wax"; and Rabha said: "The best plaster for all ills is one made of wax and resin." Rabha stated this publicly in a lecture in the city of Mehuzza, and two brothers the sons of Minyumi, who were physicians, tore their clothes in anger; for they had known of it and made capital out of the secret, until Rabha came and revealed it. Said Rabha to them: "I will tell you of something that I shall not proclaim publicly, and that is, Samuel said, that one who washes his face and does not dry it thoroughly, becomes afflicted with scabs, and the remedy for such is the fluid extract of mangold."

"*If the latter* (*caraway seeds*) *had not been ground before the Sabbath,*" etc. The rabbis taught: "In preparing for circumcision, such things as must not be done on Sabbath, may be done on a festival. One may grind the seeds and mix wine with oil." Asked Abayi of R. Joseph: Why may the caraway seeds be ground on a festival? because they may be utilized for cooking: then why should it not be permitted to mix wine with oil on Sabbath? It *may* be utilized for a sick person who is not dangerously ill. As we have learned in a Boraitha: "Wine and oil must not be mixed for a sick person on the Sabbath," but R. Simeon ben Elazar in the name of R. Meir said, that it may be. Said R. Simeon ben Elazar: It once happened, that R. Meir was sick with stomach trouble, and we wanted to mix wine with oil for him (on the Sabbath), but he would not permit us to do this. So we asked him whether he wished his own words to be made void during his lifetime, and he answered: "Nay; it is allowed to mix wine with oil on Sabbath, but I cannot bring it over me to act contrary to the decree of my colleagues."

Thus we see, that it is at all events allowed to mix wine with oil on the Sabbath. Why, then, does the Mishna say, that if this was not done on the day before the Sabbath, each should be applied separately? The difference lies therein, that when giving it to a sick person, it is merely mixed, but when used for a balm (at circumcision) it must be thoroughly stirred and requires a good deal of labor. Let it be given (applied) just mixed. That is just what the Mishna prescribes, each to be applied separately; *i.e.*, it should not be stirred.

Abayi said: "My mother told me, that if a child appears red all over it is a sign that the circulation is imperfect, and hence circumcision should be postponed until the circulation is perfect. If a child has a greenish cast it is a sign that the blood is impoverished, and circumcision should then be postponed until the blood is richer." This we have also learned in a Boraitha, as follows: "R. Nathan said: 'I once went to a city by the sea, and there met a woman whose first and second child both died in consequence of circumcision. The third child she brought to me, and I noticed that it was quite red. I told her to wait until the blood had settled and then circumcise it. She did so and then circumcised it, and the child lived. The child was then named after me, Nathan the Babylonian. At another time I came to the country of Cappadocia, and a woman came to me telling me that she had had two children circumcised, both of whom had died in consequence of circumcision. The third she brought to me, and I noticed that it had a greenish cast. I also noticed, that if it were circumcised no blood would flow; so I told her to wait until the circulation of the blood was in order. She did so, and the child was circumcised, and lived. She named it also after me, and called it Nathan the Babylonian.'"

MISHNA: One may bathe the child both before the circumcision as well as after (on Sabbath), by sprinkling water over it with the hand, but not by pouring water over it from a vessel. R. Eliezer ben Azariah says: One may bathe a child on the third day (after the circumcision), even if it fall on a Sabbath; for it is written [Genesis xxxiv. 25]: "And it came to pass on the third day, when they were sore." On account of a doubtful child (a child about which there is a doubt whether it was born in the eighth month of its gestation, and is therefore not expected to live) or an hermaphrodite, the Sabbath (-rest) must not be desecrated. R. Jehudah permits this in the case of an hermaphrodite.

GEMARA: The Mishna commences by saying: "One may bathe the child," and then goes on to say that it may only be sprinkled by hand. *That* is not bathing! Said Rabha: "The Mishna means to state, that a child may be bathed as usual on the day of circumcision, either before or after the performance of the rite; but on the third day after circumcision, if that day should be a Sabbath, one may only sprinkle the child by hand, and not bathe it in a vessel." R. Elazar ben Azariah, however, said, that even if the third day fall on a Sabbath the child may be bathed as usual, as it is written [Gen. xxxiv. 15]: "And it came to pass on the third day, when they were sore."

When R. Dimi came from Palestine, he said in the name of R. Elazar, that the Halakha prevails according to R. Elazar ben Azariah. In the West the question was discussed whether R. Elazar ben Azariah meant that the whole body of the child might be bathed, or whether the part circumcised only might be bathed. Said one of the rabbis, whose name was R. Jacob: "It seems to me that the whole body is meant, because if the wound only was meant, wherein does the wound caused by circumcision differ from any other wound? Any wound may be bathed on the Sabbath in water and oil, according to Rabh's opinion." This was opposed by R. Joseph: "Is it immaterial whether the water was warmed on the Sabbath or before the Sabbath?" This was again opposed by R. Dimi: "Whence dost thou know that the Mishna refers to water that was warmed on Sabbath, perhaps they (the sages and R. Elazar) differ even as to water warmed before the Sabbath set in?" Said Abayi: "I was prepared to answer this question myself, but R. Joseph preceded me and said, that of a necessity the water must have been warmed on Sabbath, because the precariousness of the child demanded it."

We were also taught, that when Rabhin came from Palestine, he said in the name of R. Abuha quoting R. Elazar, and according to another version, in the name of R. Abuha quoting R. Johanan, that the Halakha prevails according to R. Elazar ben Azariah, whether it be with water that was warmed on the Sabbath or before the Sabbath, or whether the whole body or only the circumcised part is concerned, because it would be dangerous not to bathe the child on that day.

It was said above in the name of Rabh, that every wound may be bathed on the Sabbath with water or oil; but Samuel said that water may be poured to one side of the wound and it may

run down into the wound. An objection was made: "We have learned, that oil or water must not be put on a piece of cotton to place on a wound?" This is prohibited on account of the necessity to wring the piece of cotton. We have been taught by a Boraitha in accordance with Samuel's opinion; viz.: "Water must not be placed directly on the wound, but near it, that it may run down into the wound."

The rabbis taught: "Dry cotton and dry sponge, but not dry papyrus or dry cloth, may be placed on a wound." This presents a contradiction. Is not dry cotton the same as dry cloth? This is no difficulty. By cloth is meant new cloth, which must not be used, whereas old cloth may be. Said Abayi: "From this we see, that pieces of cloth heal a wound."

"*On account of a doubtful child or an hermaphrodite*," etc. The rabbis taught: It is written [Leviticus xii. 3], "*his foreskin*"; so, on account of a foreskin which *must* be circumcised, the Sabbath may be violated, but on account of one which is doubtful the Sabbath must not be desecrated. Such also is the case with the circumcision of the foreskin of a true male, but not with that of an hermaphrodite. R. Jehudah, however, says, that the Sabbath may be violated on account of an hermaphrodite, and if the latter is not circumcised he becomes amenable to Karath. The Sabbath may also be violated on account of a child who was born at a certain time, but not on account of one who was born at twilight (and it is not known whether it was born on Sabbath or on the following day). It is not allowed to violate the Sabbath on account of a child who was born without a foreskin, because the school of Shamai (only) contends, that even if a child is born without a foreskin, some blood must be drawn in commemoration of the covenant. The school of Hillel, however, says, "That is not necessary." Said R. Simeon ben Elazar: "The school of Hillel and the school of Shamai did not differ as to a child born without a foreskin; both agree that blood must be drawn from it, because the foreskin is not wholly missing, but is merely ingrown. They differ only as regards a proselyte who was born without a foreskin. When seeking conversion, the school of Shamai contends that blood of the covenant must be drawn from his gland, whereas the school of Hillel does not require this to be done.

The Master said: "On account of a doubtful child, the Sabbath must not be desecrated." What does he mean by "doubtful"? He means to say, what we learned from the rabbis;

viz.: A child born in the seventh month may have the Sabbath violated for it, but if born in the eighth it must not. If it is doubtful whether it was born in the seventh or in the eighth month, the Sabbath must not be violated on its account. Not only this, but a child born in the eighth month must not even be carried on the Sabbath, because it is like a stone (and cannot live). It is allowed, however, for the mother to stoop down and suckle the child, because it is dangerous for the mother to carry too much milk.

We were taught that Rabh said (referring to a child born without a foreskin): The Halakha prevails according to the unknown Tana, while Samuel said, the Halakha prevails according to R. Simeon ben Elazar. R. Ada bar Ahabha had a child that was born without a foreskin; so he carried him to thirteen circumcisers, until the child was maimed and made impotent. Said he: "I deserve this fate, because I did not follow the dictum of Rabh." Said R. Na'hman to him: "Thou hast not only disobeyed Rabh, but also Samuel, for Samuel said, that a child born without a foreskin should be bled only if it was born on a week-day, but not on a Sabbath; and thy child was born on a Sabbath." R. Ada bar Ahabha, however, held, that he had only disobeyed Rabh, because, he was certain that the foreskin of a child is never wholly missing, but is merely ingrown and should be lanced even on Sabbath, as we were taught: Rabba said, that there is fear lest it be an ingrown foreskin; but R. Joseph said, that we were certain that it is so. Said R. Joseph: "Whence do I know this? From the following Boraitha: R. Elazar Hakappar said, that the school of Shamai and Hillel do not differ as to a child that is born without a foreskin. Both agree that the blood of the covenant must be drawn from the gland. The school of Shamai, however, contends that this may be done on the Sabbath, while the other holds that the Sabbath must not be desecrated on that account. If, then, R. Eliezer Hakappar holds, that they differ only as to the desecration of the Sabbath, the first Tana must hold, that both schools agree that the Sabbath may be desecrated on that account, and in consequence must also hold, that the foreskin is not wholly missing but is merely ingrown (hence I am certain that it is so)."

Whence do we know that the first Tana holds, as above, and not that both schools agree to the contrary; viz.: that the Sabbath must *not* be desecrated? If such would be the case, for what reason would Hakappar tell us that Beth Shamai holds

that the Sabbath *should* be violated? The Halakha would not prevail thus? Nay! Perhaps R. Eliezer means to tell us, principally, that both schools hold, that if a child is born without a foreskin on a week-day he must have his gland lanced (and incidentally mentions that if a difference existed, it was concerning the Sabbath).

R. Assi said: If a child be born of a woman who, after giving birth, must keep the law mentioned in Leviticus xii. 2, the child must be circumcised on the eighth day; but in a case where the woman need not keep the law mentioned (for instance, if the child was taken out through the sides by means of instruments), or if the woman was a Gentile on the day of giving birth to the child and became a convert to Judaism on the day following (and hence need not observe that law), the child need not be circumcised just on the eighth day (but at any time), as it is written [ibid. ibid.]: "If a woman have conceived seed, and born a male child: then shall she be unclean seven days," etc., etc.; [ibid. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Said Abayi to him: "What about the generations before the Law was given? The women knew nothing of the law of uncleanness, and still the children had to be circumcised on the eighth day?" Answered R. Assi: "Since the Law was given, a new Halakha has been in force." Nay; this is not so! Have we not learned, that if a child was taken through the side of a woman, or if it had two foreskins, R. Huna and R. Hyya bar Rabh entertained different opinions as to whether it should be circumcised on the Sabbath or not? one claimed that it should, and the other that it should not. Now we see that they differed only as to a desecration of the Sabbath, but nothing is said about the non-necessity of the child's being circumcised on the eighth day? One is dependent upon the other. (He who holds that the Sabbath should be violated, does so because he also holds that the child must be circumcised on the eighth day; while he who holds that the Sabbath must *not* be violated, does so because he holds that such a child need not be circumcised on the eighth day.)

We have learned in a Boraitha: Rabbon Simeon ben Gamaliel said: Every human child that has lived for thirty days cannot be called a miscarriage, as it is written [Numbers xviii. 16]: "And those that are to be redeemed from a month old shalt thou redeem"; and any young of an animal that has attained the age of eight days, cannot be called a miscarriage, as it is written

[Leviticus xxii. 27]: "When a bullock, or a sheep, or a goat is brought forth, then shall it remain seven days by its mother; and from the eighth day and henceforth shall it be favorably received," etc. And how is it, if the child has not yet attained the age of thirty days, is it still a doubtful child? How then is it allowed to circumcise any child on the Sabbath? (perhaps it is a miscarriage, and in that event it would be wrongful to inflict a wound in vain). Said R. Ada bar Ahabha: "We may do so at all events. If it is a regularly born child, the commandment is fulfilled; and if not, no wound is inflicted, but merely a piece of flesh is cut."

Now, then, we have learned in the above Boraitha, that if it be doubtful whether the child was born in the eighth or in the seventh month the Sabbath must not be violated on its account. Why should this be so? Let it be circumcised at all events. If then it proves to be a regularly born child, it was right to circumcise it; and if not, no labor was performed, but merely an incision in the flesh was made. Said Mar the son of Rabhina: "I and R. Nehumi bar Zacharias have explained it thus: 'The child should be circumcised, but the injunction of the above Boraitha not to violate the Sabbath refers to the preparations which are necessary for circumcision, and this is in accordance with the decree of R. Eliezer.'"

The schoolmen propounded a question: Do the rabbis differ with R. Simeon ben Gamaliel, or do they not? If they do, does the Halakha remain according to R. Simeon, or not? Come and hear: R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Simeon ben Gamaliel. Now if he says that the Halakha prevails according to R. Simeon, there must be some who differ with R. Simeon.

Abayi said: "If a child was killed by accident, either through falling off a roof or through being killed by a lion before it had lived thirty days, all agree, that it must be presumed that it was a regularly born child. A point of difference arises concerning a child that had lived less than thirty days and during its lifetime was very weak and merely breathing. Some say that it was a miscarriage and others that it was a regularly born child." What difference does it make? It makes a difference where the levirate marriage* is concerned. (If the child is presumed to be a regularly born child, it exempts a man from the levirate

* Concerning the law of levirate marriage, see Deut. xxv. 5–11.

marriage; but if it is presumed to be a miscarriage, it does not exempt a man.)

Let us see! It is said above, that if the child die by accident, all agree, that it is a regularly born child; yet we know that it happened to R. Papa, and R. Huna the son of R. Jehoshua, who were the guests of R. Idi bar Abin, that the latter prepared for them a calf, which was the third in birth of its mother, in the seventh day of its life, and they said to him: "If ye had waited to kill this calf until evening we would eat of it (because it would then have been in its eighth day); but now we will not eat of it." Hence we see, that although this was a healthy calf and met its death violently, they regarded it as doubtful whether it was a miscarriage or not. Hence say, rather, that on the contrary, if the child was weak and barely breathing prior to its death, all agree, that it must be presumed to be a miscarriage; but they differ as to a child which had met its death by accident. Some say, that it must be regarded as a regularly born child, and others, that it was a miscarriage.

The son of R. Dimi bar Joseph had a child born to him which died inside of thirty days, so he went into mourning for it. Said his father to him: "What wouldst thou? Eat delicacies* (that thou sittest in mourning)?" And he answered: "I am positive that the child was a regularly born child."

"*R. Jehudah permits this in the case of an hermaphrodite.*" Said R. Shezbi in the name of R. Hisda: "Not in every case does R. Jehudah hold an hermaphrodite to be a male; for if we would say that in all cases he considers him to be a male, the hermaphrodite would come under the law of estimations [Leviticus xxvii. 2–15], and in the Tract Erachim (estimations) we may learn, that according to R. Jehudah he is exempt. Why is he considered a male as concerns circumcision? because it is written [Genesis xvii. 10]: "Every man child among you shall be circumcised" (and "*every*" includes also hermaphrodites).

MISHNA: If one have two children to be circumcised, one after the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on the Sabbath, he is culpable. If one of the children, however, was to be circumcised on the day before Sabbath and the other on the Sabbath, and through forgetfulness one had the former circumcised on the

* It is a custom amongst Jews, that the first meal eaten by a mourner after the burial of his dead must be given him by friends or strangers, and usually some delicacy is brought to him.

Sabbath, R. Eliezer declares him liable for a sin-offering and R. Jehoshua declares him free.

GEMARA: R. Huna learns the Mishna literally; in the first case, "he is culpable." R. Jehudah, however, learns to the contrary, that "he is *not* culpable." R. Huna learns "he is culpable," from what we have learned in a Boraitha; viz.: Said R. Simeon ben Elazar: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one *after* the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him culpable. Their point of difference is, if one of the children was to have been circumcised on the day *before* Sabbath and the other on the Sabbath, and through forgetfulness the former was circumcised on the Sabbath, the former declares him culpable and the latter free. Both of them derived their decrees from the law concerning idolatry (all sin-offerings are based upon the sin-offerings incidental to the laws of idolatry). R. Eliezer holds, that as in idolatry so also it is with the Sabbath. If the commandment is, "Thou shalt not do so," and the man did so, he is liable for a sin-offering; and R. Jehoshua says: "Here it is different. The intention was to fulfil a commandment, and if accidentally it was not done he should be free."

And R. Jehudah learns the Mishna "not culpable," deriving his support from the following Boraitha: R. Meir said: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one before the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him not culpable. Their point of difference is, if one of the children was to be circumcised on the day after Sabbath and the other on Sabbath, and through forgetfulness the former was circumcised on the Sabbath, R. Eliezer declares him culpable and R. Jehoshua declares him free. Both of them derived their decrees from the law concerning idolatry, as is said above."

MISHNA: A child may be (legally) circumcised on the eighth, ninth, tenth, eleventh, or twelfth day (after its birth), but neither before nor after. How so? Usually (it may be circumcised) on the eighth; one born at (the evening) twilight, on the ninth; one born at (the evening) twilight before Sabbath, on the tenth; if a feast day follows that Sabbath (it may be circumcised) on the eleventh; if both New Year feast-days follow that

Sabbath, on the twelfth. A sick child must not be circumcised until it is thoroughly recovered.

GEMARA: Said Samuel: "After the fever has left the child, seven days should be allowed to elapse until the child get well, before the circumcision is performed." The schoolmen propounded a question: Must every day be of twenty-four hours' duration, or may the last of the seven days be counted if only a few hours have passed? Come and hear: Luda taught, the last day of the child's convalescence is more important than the day of its birth; for a child may be circumcised on the eighth day after its birth, even if only one hour of that day be passed; but the seventh day of its convalescence after a sickness must be one of fully twenty-four hours, before circumcision is permitted.

MISHNA: The following principal excrescences (knobs) make the circumcision invalid: Flesh that covers the larger part of the gland (of the organ). A man so circumcised must not (if he be a priest) partake of Terumah (heave-offerings). If the child be very fleshy and (such imperfect circumcision) is caused thereby, the knobs must, for appearances' sake, be cut away. One who was circumcised without having had the skin torn open, is considered as uncircumcised.

GEMARA: R. Abbina in the name of R. Jeremiah bar Aba, quoting Rabh, said: "By stating 'flesh, that covers the larger part of the gland,' the Mishna means to say the 'upper part of the gland.'"

"*If the child be very fleshy.*" We have learned in a Boraitha: "R. Simeon ben Gamaliel said: 'If the gland of the child be surrounded by a fleshy coating, and when erect the gland appears to be circumcised, the coating need not be cut away; but if it does not appear to be circumcised, the coating should be cut away.'"

"*One who was circumcised without having had the skin torn open,*" etc. The rabbis taught: The benediction to be pronounced by the circumciser (before performing the rite) should be as follows: "Praised art Thou, Lord, our God, King of the Universe, who hast sanctified us with Thy commandments and hast commanded us the circumcision." The father of the child should pronounce the following benediction (in the interval between the circumcision and the tearing open of the skin): "Who hast sanctified us with Thy commandments and hast commanded us to enter the child into the covenant of Abraham our father." The

bystanders must respond: "As he hath been entered into the covenant, so may he also be entered into the Law, into the bridal canopy, and into good deeds." The man who makes the benediction (over the goblet of wine) should say as follows: "Blessed art Thou, etc., who hast sanctified Thy favored one (meaning the patriarch Isaac, see Genesis xxii. 2) even in the womb (as it is written in Genesis xvii. 19: 'And I will establish my covenant with him'), who hath made a sign in his body, and hath sealed his children with the sign of the holy covenant. Therefore as a reward for this we pray Thee, Thou living God, to command that our children be saved from the grave because of the covenant that is sealed in our flesh. Blessed art Thou, O Lord, who hast made the covenant." One who circumcises proselytes must say: "Blessed art Thou, etc., and hast commanded us the circumcision." The one who pronounces the benediction (over the goblet) must say: "Blessed art Thou, etc., and hast commanded us to circumcise the proselytes, and to draw from them blood of the covenant. For were it not for the blood of the covenant, heavens and earth would not exist, as it is written [Jeremiah xxxiii. 25]: 'If not my covenant by day and night, I would not have instituted the ordinances of heaven and earth.' Blessed be Thou, O Lord, who didst make the covenant." One who circumcises slaves pronounces the same prayer as is used for proselytes, inserting "slaves" where "proselytes" is used; and the one making the benediction does likewise.

CHAPTER XX.

REGULATIONS CONCERNING CERTAIN ACTS OF LABOR WHICH MUST BE PERFORMED DIFFERENTLY ON A SABBATH AND ON A FESTIVAL.

MISHNA: R. Eliezer says: One may stretch a wine-filter (of cloth) over a vessel on a feast-day, and on the Sabbath one may pour wine into it, if it was already fastened (to the vessel). The sages say: One must *not* stretch it (over a vessel) on a feast-day, and on Sabbath one must not pour (wine) into it, but the latter act is allowed on a feast-day.

GEMARA: How is it possible that R. Eliezer should decide, that one may stretch a wine-filter, etc., on a festival, if he does not even allow a window-blind to be added to a temporary tent, as is explained by Rabba bar bar Hana in the name of R. Johanan [Chapter XVII., p. 272]. In that case he does not even allow the addition of a blind, and here he permits the stretching of a filter to commence with? R. Eliezer holds as R. Jehudah, as we have learned in a Boraitha: There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter. R. Jehudah, however, even permits the arrangements for the preparation of food. What arrangements for the preparation of food are we aware of, that R. Jehudah permits? Such as cannot be made at any time before the festival; but did we hear of his permitting the arrangements for the preparation of food that could be made *before* the festival, to be made on the feast-day? In this respect R. Eliezer is more lenient than R. Jehudah, for he permits all arrangements for the preparation of food to be made on the festival.

"*The sages say: One must not stretch it,*" etc. The schoolmen propounded a question: What if a man *did* stretch the filter over a vessel on a festival? Is he culpable? Said Abayi: "This is only a rabbinical prohibition, that one should not do on a festival such things as one does on a week-day."

Abayi collected all the rabbinical prohibitions to be found in the Boraithas, and taught as follows: A leather bag, a wine-filter,

a baldachin, and a folding-chair as used in the city of Galin, must not be spread; but if one does so, he is not culpable. Tents, however, which are permanent, must not be put up, and if a man does this he is culpable. One *may*, however, set up an ordinary bed, a chair, a tripod, and a stool with impunity.

"*One must not pour wine into it*," etc. The schoolmen asked: "What if a man *did* pour wine into it? Is he culpable?" Said R. Kahana: "Yea; he is liable to bring a sin-offering." R. Shesheth opposed this: "Have ye ever seen that R. Eliezer should permit a certain thing to be done to commence with, which the rabbis hold would make one liable for a sin-offering?" R. Joseph interposed: "Why not? Have we not learned (p. 114), in the case of a woman who went out with a golden ornament, that R. Meir held her liable for a sin-offering and R. Eliezer permitted her to go out with it to commence with?" Said Abayi to him: "Dost thou think that R. Eliezer opposes *R. Meir* in the above passage? Nay; he merely opposes the sages, who said that a woman must not go out wearing the ornament, but if she do so, she is not culpable; whereas he says, that she may do so to commence with."

How should a man be warned not to pour wine into the filter? (*i.e.*, in what category of labor is that act to be classed, so that the man can be warned that he is performing a certain prohibited principal act of labor?*). Rabba said: "He is to be warned against fruit-cleaning." R. Zera said: "Against sifting." Said Rabba: "It seems to me that my decision is more in conformity with reason, for as in fruit-cleaning the good fruit is separated from the bad, so it is also in this case: he separates the clean wine from the lees." Said R. Zera: "It seems to me that my decision is more in conformity with reason, because as in sifting the good falls to the bottom and the bad remains in the sieve, so it is also in this case: the good wine falls into the vessel, while the lees remain in the filter."

Rami the son of Ezekiel taught: "A folded garment should not be spread on poles to serve as a sun-shade; but if a man do this, he is free. If, however, a string or a hanger was already attached to the garment with which it could be fastened to the poles, this may be done to commence with."

R. Kahana asked of Rabh: "What is the law regarding a baldachin?" and he answered: "Even a bed is not permitted."

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* See Chapter VII., note to page 138.

R. Kahana then inquired: "What is the law regarding a bed?" and Rabh answered: "Even a baldachin is allowed." "What is the law regarding a bed and a baldachin?" "A bed is allowed but a baldachin is not allowed." In spite of this, there is no difficulty. In not permitting even a bed, Rabh had reference to a folding-bed as used by the Karmanites, and where he said, "Even a baldachin is allowed," he had reference to a baldachin as described by Rami bar Ezekiel; *i.e.*, one which had strings attached to it. In saying, "A bed is allowed and a baldachin is not allowed," he meant to say, that an ordinary bed, such as is generally used, may be set up, but a baldachin, that had no strings or hangers attached, must not be set up. Said R. Joseph: "I have seen the baldachins in the house of R. Huna; at night (on Sabbath eve) they were folded up and in the morning they were all set up."

Rami bar Ezekiel sent to R. Huna and asked him to impart to him some of the good sayings of Rabh, two concerning the Sabbath and one concerning the Law. So R. Huna sent him the following sayings: Concerning what we have learned in a Boraitha, that a leather-bag which had strings already attached may be spread on poles on Sabbath, Rabh said, that this may be done jointly by two men but not by one.* Said Abayi: "A baldachin which must not be set up must not even be set up by the joint efforts of ten men." What was the other good saying of Rabh concerning Sabbath? Concerning what we have learned in a Boraitha, that if an iron stove had one leg missing it may be handled, but if two legs were missing it must not be handled, Rabh said, that it must not be handled even if one leg was missing, as a precaution lest one might be tempted to fasten the missing leg, and that would constitute building. What was the good saying of Rabh concerning the Law? Rabh said: There will be a time when the Law will be forgotten by Israel, as it is written [Deut. xxviii. 59]: "Then will the Lord render wonderful thy plagues," etc., and I could not understand what is meant by "wonderful plagues"; but it is written [Isaiah xxix. 14]: "Therefore, behold, I will do yet farther a marvellous work, doing wonder on wonder, so that the wisdom of their wise men shall be lost, and the understanding of their prudent men shall be hidden."

* Rashi remarks that, although some explanation for this passage was ventured upon by the Gaonim, still he does not understand it himself, and hence can give no satisfactory explanation.

The rabbis taught: When our teachers went into the vineyard at Jamnia, they said that the Law would be forgotten by Israel, as it is written [Amos viii. 11]: "Behold, days are coming, saith the Lord Eternal, when I will send a famine in the land, not a famine for bread, nor a thirst for water, but to hear the words of the Lord"; and [ibid. 12]: "And they will wander about from sea to sea, and from the north even to the east, they will roam about to seek the word of the Lord; but they shall not find it." By the word of the Lord is meant: Halakha, the end of exile (*i.e.*, the coming of the Messiah), and also the prophecies.*

In another Boraitha we have learned: R. Simeon ben Jo'hai said: "May God forbid that the Law be forgotten by Israel. It is written [Deut. xxxi. 21]: 'For it shall not be forgotten out of the mouth of their seed.' How then can the previous passage, 'And they will roam about to seek the word of the Lord, but they shall not find it,' be verified? It means they shall not find a perfect Halakha (which shall be incontestable), nor a Mishna (which shall be beyond refutation) anywhere on earth."

We have learned in a Boraitha: If thou shouldst live in a generation in which there is much trouble (persecution), go and investigate amongst the judges of Israel; for most of the trouble that happens in this world happens only on account (of the corruption) of the judges, as it is written [Micah iii. 9–11]: "Hear this, I pray you, ye heads of the house of Jacob and ye princes of the house of Israel, that abhor justice and make crooked all that is straight. They build up Zion with blood-guiltiness and Jerusalem with wrong; her heads judge for bribes, and her priests teach for reward, and her prophets divine for money, and yet will they lean upon the Lord," etc. They are all wicked, and yet they all lean upon the One who spoke and the world was created; and therefore the Lord will bring upon them three troubles for the three sins of which they were guilty as mentioned above (judging for bribes, teaching for reward, and divining for money), as it is written [ibid. 12]: "Therefore for your sake shall Zion be ploughed up as a field, and Jerusalem shall

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* Rashi explains the above passage as follows: That by the word of the Lord is meant Halakha, may be derived from the verse [Deut. v. 5], "To announce to you the word of the Lord," which is synonymous with Halakha. As for the end of exile also being part of the word of the Lord, I do not know what verse that can be based on. That by the word of the Lord is also meant the prophecies, can be inferred from the verse [Hosea i. 1]: "The word of the Lord that came unto Hosea."

become ruinous heaps, and the mount of the house, forest-covered high-places"; and the Holy One, blessed be He, will not permit his Shekhina to rest again amongst Israel until the corrupt judges shall be removed and the guardians of the peace shall be abolished from Israel, as it is written [Isaiah i. 25 and 26]: "And I will turn my hand against thee, and purge away as with lye thy dross, and remove all thy tin. And (then) I will restore thy judges as at the first, and thy counsellors as at the beginning."

Ula said: "Jerusalem will not be redeemed except through charity (righteousness), as it is written [Isaiah i. 27]: 'Zion shall be redeemed through justice, and her converts through righteousness.'" R. Papa said: When the proud men will be destroyed, then also will the men who slander and cause us to be hated be destroyed, as it is written: "and purge away as with lye thy dross." And when the corrupt judges will be removed, the bailiffs will also become extinct, as it is written [Zephaniah iii. 15]: "The Lord hath removed thy punishment; he hath cleared away thy enemy."

Melai in the name of R. Eliezer ben R. Simeon said: "It is written [Isaiah xiv. 5]: 'Broken hath the Lord the staff of the wicked, the sceptre of the rulers.' The staff of the wicked refers to the judges who made of themselves a staff upon which their servants (scribes) should lean (*i.e.*, they gave them all the opportunities to extort money, of which they took a share). The sceptre of rulers refers to the judges who made their relatives rulers."

Mar Zutra said: "The above verse refers to the teachers who turn out ignorant men and allow them licenses to be judges (and through ignorance they were incapable of judging rightfully)."

R. Elazar ben Melai said in the name of Resh Lakish: "It is written [Isaiah lix. 3]: 'For your hands are defiled with blood, and your fingers with iniquity: your lips have spoken falsehood, your tongue uttereth deception.' 'Your hands are defiled with blood' refers to the judges, 'your fingers with iniquity' refers to the scribes of the judges, 'your lips have spoken falsehood' refers to the lawyers, 'and your tongue uttereth deception' refers to the litigants themselves."

R. Melai said again in the name of R. Itz'hak of Magdala: "From the day that Joseph left his brethren, he tasted not wine, as it is written [Genesis xlix. 26]: 'These shall be on the

head of Joseph, on the crown of the head of him that was separated* from his brothers.'" R. Jose bar Hanina said, that the brothers of Joseph also did not taste wine, because it is written [ibid. xliii. 34]: "And they drank, and were merry with him" (because it says "with him," the inference is, that without him they did not drink).

R. Melai said again: "The reward due Aaron for what is written [Exod. iv. 14]: 'And when he seeth, he will be glad in his heart,' was given him in the breastplate of judgment" [see ibid. xxviii. 15].

The inhabitants of the city of Bashkar sent a query to Levi, as follows: "What is the law concerning a baldachin, what is the law concerning flax sown in a vineyard, does it come under the head of Kelaim or not, and what is the law concerning one who dies on a festival?" While the messenger was on his way, Levi died. Said Samuel to R. Menasseh: "If thou wouldst be wise, answer thou these queries." So R. Menasseh answered as follows: "As for a baldachin, we have investigated on all sides and found no permission (for setting it up). As for flax sown in a vineyard, it constitutes a case of Kelaim. As for a man that had died on a festival, the corpse should be kept until after the second day of the festival, and it should not be interred, neither by Israelites nor by Gentiles." This is not so! Rami bar Ezekiel found permission for a baldachin as previously said! R. Tarphon decided that flax sown in a vineyard does not constitute Kelaim, and Rabha decreed, that a corpse may be interred on the first day of a festival by Gentiles and on the second day even by Jews? However, because the men of Bashkar were ignorant, R. Menasseh gave them the stricter decrees, lest they take advantage of the more lenient.

R. Abin bar R. Huna said in the name of R. Hama bar Gurya: "A man can wrap himself in the canopy that has not been fastened to the poles, together with its fringes, and go out into public ground with impunity." In what respect does this decision differ from that of R. Huna, who said in the name of Rabh, that one who went out into public ground wearing a Talith (toga) without Tzitzith (show-threads) is culpable and liable for a sin-offering? In the case of a Talith, the show-threads, being the most important part of that garment, are

* "Separated" is expressed by the word Nazir, which means also one who has vowed to drink no wine.

valuable, and without them the Talith is simply a burden; whereas the fringes of a canopy are not an essential part of the canopy, and having used the latter for a garment it may be worn even with fringes.

Rabba bar R. Huna said: "A man may with cunning stretch a wine-filter over a vessel and say, that he intends to use it as a receptacle for pomegranates, but when it is already stretched he may filter wine through it." Said R. Ashi: "He may do this only if he had previously placed pomegranates in the filter." In what respect does this decision differ from the following Boraitha: During the intermediate days of a festival (either Passover or the Feast of Tabernacles) a man may brew beer for consumption on those days but not for use on other days, be it beer made of dates or of barley; and although he have stale beer still on hand, he may with cunning brew new beer and drink it. (Should he have any left over he may keep it for other days; hence we see that it is not necessary to dissemble by doing something else before performing the act really intended.) In the latter case it is not known whether the man have any stale beer on hand or not, and hence it might be presumed that he has none and must brew more; but in the former case, when the wine-filter is stretched and wine is being immediately filtered through it, the presumption would be that it was stretched for that purpose only.

Said the disciples to R. Ashi: "We would call the attention of the master to this young scholar, R. Huna bar Hyvan or Heluvan by name, who takes the clove of garlic and stops up a hole in a wine-barrel with it, saying, that he intends merely to preserve the clove of garlic. He also goes and lies down on a ferry, presumably to sleep; in the meantime he is ferried across the river, and on the other side he watches his fields, saying, however, that he merely intended to sleep." Answered R. Ashi: "Ye speak of cunning (trickery). All the acts mentioned by you are prohibited by rabbinical laws only, and in the case of a scholar, there is no danger that he will commit them publicly (without resorting to cunning)."

MISHNA: One may pour water on yeast in order to thin the latter; and one may filter wine through a cloth or an Egyptian wine-basket. One may put a beaten egg in a mustard sieve. One may also make honey-wine on Sabbath. R. Jehudah says: "On Sabbath this may be done only in a cup, on feast-days even in a lug (pitcher), and on the intermediate days

even in a barrel." R. Zadok says: "At all times it should be made according to the number of guests."

GEMARA: Zera said: "A man may pour clear wine or clear water into a filter with impunity." May clear wine only, and not dimmed wine, be poured into a filter? Have we not learned, that R. Simeon ben Gamaliel said: "A man may stir up a cask of wine, with the lees, on the Sabbath and pour it through a filter with impunity"? Zera explained the decree of R. Simeon ben Gamaliel to the effect, that the latter spoke of wine that was just being pressed, when it is customary to drink the wine with the lees (hence the wine is not improved, as it can be drunk without filtering).

"*One may filter wine through a cloth.*" R. Simi b. Hyya said: "Providing the cloth is not turned into a funnel (that the cloth should not subsequently be wrung)."

"*An Egyptian wine-basket.*" Said R. Hyya bar Ashi in the name of Rabh: "Providing the wine-basket is not lifted above the bottom of the vessel to the height of one span."

"*One may put a beaten egg in a mustard sieve.*" R. Jacob Kar'hah explained this as follows: "Because the yolk is used only for coloring; the white of the egg is nevertheless as much an article of food as the yolk (hence no sifting takes place)."

It was taught: Mustard which had been prepared before Sabbath may be ground on the Sabbath, either by hand or with a vessel. Honey may also be placed in the mustard on Sabbath; it must not be thoroughly mixed, however, but merely stirred. Cresses which had been cut up before the Sabbath may be mixed with oil and vinegar on the Sabbath, and one may also add mint; it must not be thoroughly mixed, however, but merely stirred. Garlic which had been ground before the Sabbath may be mixed with broad-beans and peas, but must not be ground together; mint may also be added. Said Abayi: "We see, that mint is good for the spleen."

"*One may make honey-wine on the Sabbath.*" The rabbis taught: "One may make honey-wine on the Sabbath, but not an oil-wine salve." The difference between honey-wine and oil-wine salve is that the former is made of honey, wine, and pepper, while the latter is made of old wine, clear water, and aromatic balsam to be used as a lotion after a bath.

Said R. Joseph: "Once I went with Mar Uqba to a bath-house. When we came out, he gave me a cup of wine which, when drinking, I felt all over from the roots of my hair to the

nails of my feet; and had he given me another, I am afraid that the reward due me in the world to come would have been lessened in proportion." Mar Uqba drank this wine every day? He was accustomed to it.

MISHNA: One must not put laserpitium in tepid water for the purpose of softening the former, but one may put it in vinegar. One must not soak bran nor grind it, but may put it in a sieve or in a basket. One must not sift feed-straw through a winnow, nor lay it in a high place so that the chaff fall out, but one may take it up in a winnow and then pour it into the crib.

GEMARA: The schoolmen asked: "What if one did put laserpitium in tepid water?" Said Abayi: "This is only a rabbinical prohibition, that it should not be done as on a weekday."

R. Johanan asked of R. Yanai: "Is it allowed to put laserpitium in cold water (on Sabbath)?" and he answered: "It is not." Said R. Johanan: "We have learned in the Mishna, that it is not allowed to put it in tepid water, but in cold water it should be allowed." Answered R. Yanai: (If thou askest me concerning a Mishna) what difference is there between me and thee? The Mishna is according to the opinion of one man, and the Halakha does not prevail according to his opinion, as we have learned in a Tosephta: Laserpitium must not be put in either cold or tepid water. R. Jose said: "It is not allowed to put it in tepid water, but it may be put in cold water." For what purpose is it used? For a heavy feeling in the chest.

R. Aha bar Joseph had a heavy feeling in the chest, so he came to Mar Uqba, and was told to drink laserpitium to the weight of three shekels in three days. He drank some on Thursday and Friday, and on Sabbath he came to the house of learning to inquire whether he might drink it. He was told, that the disciples of Ada, others say of Mar bar R. Ada, taught, that one may drink even a Kabh or two Kabhs with impunity. He then said to them: "I am not asking whether I may drink it. That I know is allowed, but I should like to know whether I may put the laserpitium in water in order to drink it. How shall I do?" Said R. Hyya bar Abin to them: "The same thing happened to me, so I went to R. Ada bar Ahabha and asked him, but he did not know; so I asked R. Huna, who said, that Rabh decided that first it should be put in cold water and then it may be put in warm water."

R. A'ha bar Joseph leaned on the shoulders of his nephew, R. Na'hman bar Itz'hak, and went out into the street, and told him, when they came to the house of R. Safra, to lead him in. When they got there, they went in, and R. A'ha asked of R. Safra: "May a shirt that had been laundered too stiffly be rubbed and softened by hand on the Sabbath? Shall we assume, that it is only intended to soften the shirt and is therefore permissible, or that it is intended also to bleach it and is hence prohibited?" R. Safra answered, that it might be done, and asked him: "Why dost thou ask about a shirt, why not ask also about a turban?" "I have already asked concerning a turban of R. Huna, and he said, that it is not permitted." "Why, then, didst thou come to ask about a shirt? Thou couldst have inferred, from the turban, that the other was also not permitted?" Answered R. A'ha: "A turban is bleached by unfolding and rubbing, but a shirt is not."

R. Hisda said: "If a shirt had been hung up to dry by means of a stick drawn through the armholes, it should be taken down from the stick, but the stick should not be taken down alone (because the stick is not a vessel and hence must not be handled)." Said Rabha: "If the stick was one that may be used by a weaver, it may be taken down (because it is regarded as a vessel)."

R. Hisda said again: "A bundle of herbs, if suitable for cattle-food, may be handled on the Sabbath. If not, it must not be handled." Said R. Hyya bar Ashi in the name of Rabh: "Dried salt meat may be handled on Sabbath (because it can be eaten uncooked), but dried salt fish must not (because it cannot be eaten uncooked)."

R. Hisda said again: "A man who attends school, and has not sufficient bread, should not eat herbs, because it creates hunger. I myself have never eaten herbs, neither when I was poor nor when I was rich. When I was poor I did not want to stimulate my appetite, and when I was rich I rather ate meat and fish in place of herbs." Again he said: "A young pupil who lacks food should not eat a little at a time. He should wait until he can accumulate sufficient for a hearty meal, and then eat. When I was poor I never ate until I could put my hand in the basket and find sufficient to satisfy my hunger."

The same R. Hisda said to his daughters: "Be chaste in the eyes of your husbands. Do not go about eating in the presence of your husbands. Do not eat herbs at night (for fear of bad

breath). Do not eat dates at night. Do not drink beer at night, and use not the same toilet that men do. When some one knocks at your door, do not ask 'Who is it?' in the masculine, but in the feminine."

"*One must not sift feed-straw through a winnow.*" This Mishna is not in accordance with the opinion of the Tana of the following Boraitha: R. Eliezer ben Jacob said: "A winnow must not be touched at all."

MISHNA: One may clean out (the crib) for the (stalled) ox and throw (the superfluous fodder) over the side, so that it does not become unclean, so says R. Dosa. The sages declare this to be prohibited. One may remove the fodder in front of one animal and place it before another, on the Sabbath.

GEMARA: The schoolmen propounded a question: Do the sages dissent from the first part of R. Dosa's decree, from the last part, or from both? Come and hear: "We have learned in a Boraitha: 'The sages said: "Neither one nor the other may be thrown over the side."'" Said R. Hisda: "The sages differ with R. Dosa only when the crib was a separate vessel, but if it was part of the stall and fixed to the ground, all agree that it is prohibited to clean it out."

"*One may remove the fodder from in front of one animal,*" etc. In one Boraitha we learned, that one may remove the fodder from cattle with healthy snouts and place it before cattle with diseased snouts; and in another Boraitha we learned the contrary, that fodder may be removed from cattle with diseased snouts and placed before cattle with healthy snouts. Said Abayi: "According to both Boraithas, the fodder of an ass may be placed before an ox, but the fodder of an ox must not be placed before an ass. The first Boraitha refers to fodder placed before an ass who does not emit phlegm from the mouth, and which may be placed before a cow who does emit phlegm; and the other Boraitha, which permits the placing of fodder of animals with bad snouts, also refers to an ass, and calls the snout of an ass bad (diseased) because he feeds on all manner of things, like thistles, etc. The cow is referred to as having a healthy snout because she is very particular as to what she feeds on (hence the two Boraithas do not differ)."

MISHNA: Straw on a bed must not be shaken up with the hand, but it may be moved with the body. If it be designed for fodder, or a pillow or cloth lie over it, it may be shaken up by hand. A clothes-press which is kept in the house may be

opened, but must not be used for pressing. The clothes-presses of the professional washers must not be touched. R. Jehudah says: "If the press was partly open before the Sabbath, it may be entirely opened and drawn out (others say, the clothes may be drawn out)."

GEMARA: R. Jehudah said: "It is permitted to triturate pepper seed with the handle of a knife one by one, but not two together (on Sabbath)." But Rabha said, that as a man usually triturates pepper in a mortar on a week-day, he may on Sabbath triturate as many together as he chooses with the handle of a knife.

R. Jehudah said again: "(On the Sabbath) a man who bathes should first dry himself standing in the water and then go out; otherwise he carries water into unclaimed ground for four ells." If that is so, what about the man going into the water? By entering he pushes the water forward four ells (into the lake or river) by mere motion? Motion has not been provided for in the prohibitions of unclaimed ground.

Said Abayi, according to another version R. Jehudah: "If a man stepped into loam, he should wipe his feet on the ground and not on a wall." But Rabha said: "Why should he not do that, because it might be presumed that he plasters the wall and is engaged in building? Nay; this is not ordinary building (but more like field-work). On the contrary: If he wipe his feet on the ground he may perchance smoothen out an incavation, hence he should rather wipe his feet on the wall. For the same reason, he should not wipe his feet on the side of an incavation, lest he smoothen it out."

Rabha said again: "One should not cork a bottle with a piece of cotton or cloth, lest he wring it." R. Kahana said: "The dirt on a garment should be removed by rubbing the cloth on the inside and not on the outside, lest it seem like washing." R. Abuha in the name of R. Elazar, quoting R. Yanai, said: "One may scrape off dirt on an old shoe, but not a new one. With what should it be scraped off? With the back of a knife," said R. Abuha. Said a certain old man to him: "Withdraw thy teaching before that of R. Hyya: One must not scrape off dirt on an old nor on a new shoe. One must also not rub his foot with oil, while it is still in the shoe. He may, however, rub his foot with oil and then put on his shoe or his sandal. He may also anoint his whole body with oil and lie down on a skin, although the skin is benefited by the oil." Said R. Hisda:

" Providing the oil dripping from the body on to the skin is only sufficient to polish the skin, but if there is enough to soften the skin one must not lie down on it."

The rabbis taught: A small man should not wear a large shoe (lest it fall off and he be forced to carry it on the Sabbath). He may, however, wear a large shirt (as there is no fear of his taking that off and carrying it). A woman should not go out with a torn shoe on the Sabbath (lest she be laughed at and carry the shoe). She also must not accept Chalitza in such a shoe; but if she did so, the Chalitza is valid. She also should not wear a new shoe, that she had not tried on before the Sabbath (lest it be too large and she take it off and carry it). Such is the explanation of Bar Qappara.

In one Boraitha we have learned, that one may remove the shoe of a statue, while in another we were taught that it must not be removed. This presents no difficulty. The one Boraitha is in accordance with the opinion of the rabbis, who differ with R. Eliezer, while the other is in accordance with the opinion of R. Eliezer; as we have learned in another Boraitha: R. Jehudah said in the name of R. Eliezer, that if the shoe was loose and easily removed it might be taken off.

CHAPTER XXI.

REGULATIONS CONCERNING THE POURING OUT OF WINE FROM VESSELS COVERED WITH A STONE (WHICH MUST NOT BE LIFTED), AND THE CLEARING OFF OF CRUMBS, ETC., FROM THE TABLE.

MISHNA: One may lift up a (petted) child, that has a stone in its hand, also a basket in which there is a stone; one may also handle unclean Therumah (heave-offerings), together with clean and with ordinary grain. R. Jehudah saith: "One may also take out Therumah from mixed grain in proportion of one to the hundred."

GEMARA: Rabha said: "If a man carried out a child to whose neck a purse of money was fastened, he is culpable of carrying the purse; but if he carried out the corpse of a child which had a purse of money fastened to it, he is free." Why is the man culpable in the first instance, for the carrying of the purse and not for carrying the child? He holds with R. Nathan, who said, that a living thing carries itself. Why not say, that the purse is an accessory to the child? Have we not learned in a Mishna (p. 182), that if a man carried out a person on a litter he is not culpable of carrying even the litter, because it is of no consequence to the person? A litter is regarded as of no consequence to the person, but a purse is not held to be part of a child. Why, in the second instance, is the man not culpable for carrying the corpse of the child? Rabha holds, with R. Simeon, that every labor which is not performed for its own sake does not make a person culpable (and he is not culpable for carrying the purse, because in his sorrow he does not think of the purse that the child was wont to play with).

An objection was made (to Rabha's teaching by virtue of the above Mishna): One *may* lift up a child with a stone in its hand? The disciples of R. Yanai explained this as follows: "A child is referred to that yearns for its father, and if it were not carried it would become sick." The stone is no hindrance to its being carried. If that is the case, why is a stone mentioned? why not money? Did not Rabha say, that the child may be carried if it

have a stone in its hand, but not money? That is simple. If the stone fall to the ground the father will not pick it up, but if money falls he will pick it up. We have been taught by a Boraitha in support of Rabha: If one carry his clothes, folded, on his back, or his sandals or his rings in his hand, he is culpable; if he wear them, however, he is free. If he carry out a man dressed in clothes, sandals, and rings, he is also free; but if he carried the clothes, sandals, or rings alone, he would be culpable.

"*A basket in which there is a stone*," etc. Why should a man not be culpable for carrying it? Is not the basket a basis for a prohibited thing? Said R. Hyya bar Ashi in the name of Rabha: "Here a basket is spoken of which is broken, and where the stone fills in the gap, making the basket whole."

"*One may also handle unclean heave-offerings.*" Said R. Hisda: "When may unclean heave-offerings be handled? If the clean heave-offering be at the bottom and the unclean on top, the unclean may be removed; but if the clean be on top, it may be removed, and the unclean must remain untouched." If the unclean *be* on top, let it be thrown off until the clean is reached! Answered R. Ilai, Rabh said: "Here fruit is spoken of, that would be spoiled by being thrown off."

An objection was made: We have learned in a Boraitha: "Unclean heave-offerings may be handled with clean and with ordinary grain; it makes no difference where it lies: on the top or at the bottom." This is a refutation of R. Hisda? R. Hisda might say, that our Mishna treats of a heave-offering that is needed for food, while the Boraitha treats of a heave-offering when the space it occupies is needed. What impels R. Hisda to explain the Mishna in that manner? Said Rabha: "From the latter part of the Mishna it seems to be in the sense explained by him, for that part of the Mishna says, that if money lie on a bolster, the bolster may be turned so that the money shall fall down; and Rabba bar bar Hana in the name of R. Johanan explained, that such is the case only if the bolster itself be needed; but if the space occupied by the bolster is required, one may lift the bolster, with the money, and deposit it elsewhere. Now, if this part of the Mishna refers to the demand for the object itself, the first part does likewise."

"*R. Jehudah saith: 'One may take Therumah from mixed grain in proportion of one to the hundred.'*" How can this be done? In doing it, one would make a useless thing useful, and that is not permitted? R. Jehudah holds with R. Simeon ben

Elazar, who declares, that one may look upon one side of a mixed-grain pile and consider it Therumah, and eat from the other. How can it be said, however, that R. Jehudah holds with R. Simeon ben Elazar, for have we not learned in a Boraitha, that they differ on this question, the former holding that one may take a measure of grain from the pile, of one to the hundred, set it aside as Therumah, and use the remainder, while the other says, that one should look upon one side of it and eat from the other? R. Jehudah is even more lenient; for he permits all of it to be used after a measure had been set aside, while R. Simeon permits only part of it to be used.

MISHNA: If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down. If the barrel stand amongst other barrels, it may be lifted and then bent over, in order that the stone fall down. If money lie on a bolster, the bolster may be turned, so that the money fall down. If dirt be found on the bolster, it may be cleaned off with a rag; and if the bolster be of leather, water may be poured on it until the dirt is removed.

GEMARA: Said R. Huna in the name of Rabh: "The Mishna refers to a case where the stone lying at the opening of the barrel was left there by accident. If it was placed there purposely, the barrel becomes a basis to a prohibited thing and must not be handled."

"*If the barrel stand amongst other barrels,*" etc. Who is the Tana who holds, that where there are both a permissible and a prohibited thing we must engage ourselves only with the permissible thing and not with the prohibited? Said Rabba bar bar Hana in the name of R. Johanan: "That is R. Simeon ben Gamaliel, who said in Tract Betza, that if the waste was in a larger quantity than the eatable portion, the eatable portion might be taken, but the waste must not be touched. In the case of the barrel, the useful portion is certainly in a larger quantity than the useless (why, then, should he not remove the stone?). If a man should wish to remove the wine, it would necessitate his lifting the barrel at all events; with the barrel the stone would also be lifted, and in that case the useless would surpass in quantity the useful."

We have learned in a Boraitha: R. Jose said: "If a barrel stood in a cellar amongst other barrels, or among glassware (and there is danger that if the barrel is lifted and bent over the stone covering it will fall upon another barrel, or upon some of

the glassware and break it), it may be lifted, carried to another place, bent over so that the stone roll off, its contents removed to the quantity required, and returned to its former place."

"*If money lie on a bolster*," etc. Said R. Hyya bar Ashi in the name of Rabh: "The Mishna here refers to a case where the money was accidentally left on the bolster; but if it is laid there on purpose, the bolster becomes a basis to a prohibited thing and must not be handled."

Hyya the son of Rabh of Diphti taught the same as Rabba bar bar Hana in the name of R. Johanan, viz. (page 323), that if the space occupied by the bolster is required, the bolster together with the money may be moved.

R. Oshea said: "If a purse of money was accidentally left in private ground, one may put a loaf of bread or a child on it and take it back to the house." R. Itz'hak said: "This rule applies not only to a purse of money, but also to a brick that is needed for any purpose."

Said R. Jehudah bar Shila in the name of R. Assi, that a box of money was once forgotten in the market and R. Johanan was asked what was to be done. He ordered them to place a loaf of bread or a child on it, and take it in. Said Mar Zutra: "All these rules are laid down in the case of where the things referred to were left by accident." But R. Ashi said, that such is not the case, and that a child or a loaf of bread can be used to move a corpse only.

When Abayi had to bring in stalks of grain, he would put on them some article of food (or some vessel) and bring it into the house; and when Rabha had to bring in (an uncooked) dove, he would put a knife on it and bring it into the house. When R. Joseph heard of this, he said: "How sagacious are the minds of these young scholars! When did the rabbis permit this to be done? When the things to be brought were forgotten on the outside; but they did not permit their being moved to commence with." Abayi answered: "(I have done right.) For were I not a trustworthy man, I would not have used those means to bring in the grain at all. Stalks of grain are a useful thing to sit on, and may be handled." And Rabha said: "(I have also done right.) For were I not a trustworthy man, I would not have placed a knife on the dove at all, as there are some people who eat it raw (hence it may be handled on the Sabbath)." Shall we say, that Rabha holds that the raw dove may be handled only because it is eaten (raw) by some people,

and were it not so it could not be handled (on Sabbath), hence he holds as R. Jehudah in Tract Betza? Did not Rabha say to his servant on a festival: "Fry a duck for me and throw the entrails to the cat"; and we see thence that he permitted his servant to handle the entrails because they were food for a cat? The entrails would have spoiled if left over for the next day, and we must assume therefore that they were designed as food for the cat from the day preceding.

MISHNA: The school of Shamai teaches: "Bones and husks may be removed from the table." The school of Hillel, however, teaches: "One may only lift the whole table board (or cloth), and shake off what is left over." All crumbs smaller than an olive may be removed from the table; also the hulls of beans and lentils, because they may serve for fodder. It is allowed to use a sponge for wiping, providing it has a handle made of leather; otherwise, it is not allowed. At all events, one may handle a sponge on the Sabbath, and it is not subject to defilement.

GEMARA: Said R. Na'hman: We know that the school of Shamai holds to the opinion of R. Jehudah (who accepts the theory of Muktza), and that the school of Hillel holds to the opinion of R. Simeon (who disregards the law of Muktza). (Hence the order of the Mishna should be reversed.) The dictum of the school of Shamai should be credited to the school of Hillel, and *vice versa.*

"*Hulls of beans,*" etc. The permission to remove the hulls of beans, etc., is certainly in accordance with R. Simeon, who disregards the law of Muktza; and the latter clause of the Mishna referring to a sponge, which must not be used for wiping off the table unless it have a handle (because without the handle it would be wrung and that is prohibited, although the intention to wring it did not exist), is in accordance with the opinion of R. Jehudah, who holds, that one must not perform an act even unintentionally. In this case R. Simeon also agrees with R. Jehudah, because it again presents a parallel case to the beheading of a creature where no intention to kill it exists.

The pits of dates (Armiassa) to which some of the meat adheres may be handled, and those of Parsiassa * must not be handled. Samuel used to handle the latter with bread, holding to his opinion that anything at all may be done with bread (while

* For explanation of the terms Armiassa and Parsiassa, see Vol. I., p. 45.

others hold that bread should not be put to any uses except for food). Rabba would hold them with a pitcher of water. R. Shesheth would throw them out by means of his tongue, and R. Papa would throw them underneath the bed. It was told of R. Zacharias ben Abkulos, that he would turn his face towards the back of the bed and throw them out with his tongue.

CHAPTER XXII.

REGULATIONS CONCERNING PREPARATION OF FOOD AND BEVERAGES.

MISHNA: Should a cask break open, sufficient may be saved for three meals. The owner may also call to others: "Come and save for yourselves (whatever you can)." No portion of the leakage, however, may be sponged up (soaked up with a sponge). One must not press fruit in order to extract the juice; and if it ooze out by itself, it must not be used. R. Jehudah said: "If the fruit is for eating, the juice which oozes out may be used; but if it is for beverage, it must not be used. If honeycombs be broken on the eve of Sabbath and the honey ooze out, the honey must not be used." R. Eliezer, however, permits this.

GEMARA: We have learned, that wine must not be soaked up with a sponge, and oil must not be dipped with a spoon, in the same manner as it is done on week-days (there must be a slight change).

The rabbis taught: If fruit becomes scattered in a courtyard (private ground) it may be gathered up and eaten, but this must not be done as on a week-day; *i.e.*, gathered in a basket.

"*One must not press fruit,*" etc. Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) agrees with the sages in the case of olives and grapes." Why so? Because this class of fruit is intended only for pressing, and the juice which must of a necessity ooze out might be calculated upon by the owner for a beverage. Ula said, that R. Jehudah differed with the sages even in the case of olives and grapes. R. Johanan said, that the Halakha prevails according to R. Jehudah as far as other fruit is concerned, but not as regards olives and grapes.

Said R. Aba in the name of R. Jehudah, quoting Samuel. "R. Jehudah subsequently agreed with the sages as regards olives and grapes, and the sages also agreed with him later concerning other fruit." Said R. Jeremiah to R. Aba: "Wherein *do* they differ?" and R. Aba answered: "Go and seek, and thou wilt find it!" Said R. Na'hman bar Itz'hak: "It seems to me

that they differ concerning berries and pomegranates, for we have learned in a Boraitha: The juice of olives or grapes, which after having been pressed and brought into the house had oozed out by itself, must not be used, whether the fruit had been brought in for eating or beverage. If a man squeezed out the juice of berries and pomegranates and brought the pressed fruit into the house to eat, if any more juice oozed out, he might drink it; but if he brought the fruit expressly for eating purposes or for beverage, or without any express design, he must not drink the juice that had oozed out, so said R. Jehudah. The sages, however, prohibit the use of the juice under any circumstances."

Said R. Jehudah in the name of Samuel: "A man may squeeze out a bunch of grapes directly into a pot, but not into a bowl. (Why not? Because if he squeezed it into the pot it is proof positive that it will be used for food, but if squeezed into the bowl it might be used as a beverage.) Said R. Hisda: "From the decree of our master we can learn, that a man may milk a goat right into the pot, but not into a bowl." Thus we see that Samuel holds, that beverages when mixed with eatables are also regarded as eatables.

Said R. Zera in the name of R. Hyya bar Ashi, quoting Rabh: "A bunch of grapes must be squeezed directly into the pot, but not into a bowl, but the oil of fish may be pressed out even into a bowl." R. Dimi repeated this decree. Said Abayi to him: "Ye teach this in the name of Rabh, hence ye have no objection; but we learn this in the name of Samuel, hence we have the following objection: 'Can Samuel say that the oil of a fish may be squeezed out even in a bowl? Were we not taught, that if a man squeezed out herbs which were soaked in wine and vinegar, it is, according to Rabh, permitted to commence with, if the herbs were to be eaten; but if the juice only was to be used, the man would not be liable for a sin-offering, but he should not do it to start with? If the herbs, however, were cooked, whether the man wished to eat them or only use the juice, he might squeeze them out into a bowl. Samuel, however, decreed, that be the herbs cooked or raw, one may do this only if he intends to eat the herbs, but not if he only intends to use the juice; if he does, however, he is not liable for a sin-offering.'"

R. Dimi answered: "By the Lord! My eyes have seen it, and not as a stranger, that I heard this decree from R. Jeremiah,

he from R. Zera, he again from R. Hyya bar Ashi, and the latter from Rabh's mouth."

In regard to the quoted Boraitha concerning the herbs that one had squeezed out (we have heard the opinion of Rabh and Samuel), R. Johanan said: "Be they cooked or raw herbs, he may do so to commence with, if he intends to eat the herbs; but if he only desires the juice he must not do so, and if he does he is liable for a sin-offering." All this, however, is opposed by the following Boraitha: "One may squeeze out herbs which were soaked in wine and vinegar on the Sabbath for use on the same day, but not for later use; but one must not press olives or grapes, and if he does, he is liable for a sin-offering." Now, this is in opposition to all three: Rabh, Samuel, and R. Johanan. Rabh could explain this in accordance with his teaching; viz.: The herbs may be pressed on the Sabbath, for use on that day and not later, providing he uses the herbs for eating; but if he wishes to use the juice he must not do so, but if he does he is not liable for a sin-offering; and cooked herbs he may squeeze out, whether he requires the herbs or the juice; olives and grapes he should not press: if he does, he is liable for a sin-offering. Samuel could explain it according to his own opinion: A man may squeeze out herbs on Sabbath for that same day, but not for later use; and the same law applies to cooked herbs, provided they are used for eating, but if the juice is wanted they must not be pressed, *etc.* R. Johanan could explain the Boraitha in accordance with his teaching, as follows: Be the herbs cooked or soaked, they may be squeezed out if intended for eating; but if the juice is required he must not, and if he did so it is equal to pressing olives or grapes, and he is liable for a sin-offering.

Said R. Hyya bar Ashi in the name of Rabh: "According to biblical law one cannot be culpable except for pressing olives and grapes. So have taught the disciples of Menasseh. Also according to biblical law, a witness that testifies from hearsay must not be accredited, with the exception of a case where he testifies to having heard that a woman's husband had died."

"*If honeycombs be broken on the eve of Sabbath.*" When R. Hosea came from Neherdai he brought a new Boraitha; viz.: "If olives and grapes were crushed before the Sabbath, and the juice oozed out, it must not be drunk; but R. Eliezer and R. Simeon both permit it." Said R. Joseph: "He just tells us of another man in addition to R. Eliezer!" Said Abayi to him:

" He taught us a great deal; for from our Mishna I would say, that honeycombs were eatables before being crushed and also afterwards; therefore R. Eliezer permits the use of the honey, but in the case of olives and grapes which were previously eatables and subsequently became beverages, it might be presumed that even R. Eliezer would not permit their use. Hence we were instructed by R. Hosea to the contrary."

MISHNA: Whatever has been dressed with hot water on the eve of Sabbath, may be soaked in hot water on the Sabbath; and whatever has not been dressed with hot water on the eve of Sabbath, must only be passed through hot water on the Sabbath: excepting only stale salt fish and Spanish kolias (a kind of fish which was generally cured to make it eatable), for passing these through hot water is all the dressing required for them.

GEMARA: What does the Mishna refer to? For instance, the hen of R. Aba! He would cook a hen, then soak it in water, and when it would fall to pieces he would eat it. Said R. Safra: " I was there at one time and R. Aba served me with some of that dish, and had he not given three-year-old wine immediately after it, I would have been forced to vomit."

R. Johanan would spit every time he was reminded of Babylonian Kutach (a dish made of small salt fish boiled in milk). Said R. Joseph: " Yea, and let us spit when we think of R. Aba's hen." And R. Gaza said: " I was in Palestine at one time, and made that same dish (kutach); so they begged me to give them some for all the sick in Palestine."

" *And whatever has not been dressed with hot water,*" etc. What is the law concerning one who had passed kolias or stale salt fish through hot water? Said R. Joseph: " He is liable for a sin-offering." Said Mar the son of Rabhina: " We have understood it so from the Mishna, because the last clause is ' for passing these through hot water is all the dressing required for them,' and the finishing of a certain kind of labor is equivalent to hammering."

R. Hyya bar Aba and R. Assi once sat in the presence of R. Johanan, and R. Johanan dozed off. So R. Hyya bar Aba asked R. Assi why the fowls of Babylon were so fat. R. Assi answered: " Go to the desert of Aza in Palestine, and I will show thee fatter ones." " Why are the Babylonians so merry during the festivals?" asked R. Hyya again. " Because they are poor (and during the entire year they have no pleasures, so they take

advantage of the festivals)," was the answer. "Why are the scholars of Babylon so well dressed?" queried R. Hyya. "Because they are ignorami" (and must wear good clothes in order to command respect), answered R. Assi. At that moment R. Johanan awoke, and said to them: "Youngsters! Did I not tell you, that it is written [Proverbs vii. 4]: 'Say unto wisdom, Thou art my sister,' which means: If a thing is as certain to thee as the fact that thou canst not marry thy own sister, then say it? Otherwise, thou shalt not say it. (Then why speak such foolishness?)" Then said they: "Let Master tell some things (which would benefit us)!" Said R. Johanan: "The fowls of Babylon are fat because they were never driven away from home, as it is written [Jeremiah xlviii. 11]: 'Moab was ever at ease from his youth, and he was resting on his lees, and was not emptied from vessel to vessel, and had not gone into exile: therefore had his taste remained in him and his scent was not changed.' Whence do we know that the fowls of Palestine were driven from home? It is written [ibid. ix. 9]: 'Both the fowls of the heavens and the beasts are fled; they are gone away.'—[R. Jacob said in the name of R. Johanan, that the fowls and the beasts and all else came back to Palestine with the exception of the Spanish kolias (the reason will be explained in Tract Bechorath.]—'Why are the Babylonians merry during the festivals?' Because they were not included in the curse of [Hosea ii. 13]: 'And I will cause to cease all her mirth, her festival, her new moon, and her Sabbath, and all her appointed feasts.'"

Said R. Itz'hak: "(Indeed it was so.) There was not a single feast in Palestine, that the military did not come to Sephoris"; and R. Hanina said: "There was not a single feast in Palestine, that captains, guards, and supervisors did not come to Tiberias."—"Why are the scholars of Babylon so well dressed?" "Because they are all strangers. As the saying goes: In a city where a man is known, he may wear whatever he chooses; but where he is not sufficiently known he should dress well."

R. Joseph taught: It is written [Isaiah xxvii. 6]: "In the future shall Jacob yet take root: Israel shall bud and blossom; and shall fill the face of the world with fruit." What is meant by "bud and blossom"? The scholars of Babylon, who wind blossoms and wreaths around the Thorah.

MISHNA: A man may break open a cask, to eat dry figs therefrom; provided, he does not intend using the cask afterwards

as a vessel. He must not pierce the bunghole of a cask, such is the decree of R. Jehudah (or R. Jose); the sages permit this to be done. And one must not bore a hole in the side of it; but if it was already perforated, he must not fill it up with wax, because he would smoothen the wax thereby. Said R. Jehudah: "Such a case was brought before R. Johanan ben Sachai, at Arab, and he observed: 'I doubt whether that act does not involve liability to bring a sin-offering.'"

GEMARA: Said R. Oshea: "When may a man hold a dirk to open a cask of figs? If the figs are very tightly packed, for then he would have to use a knife or a dirk to get the figs out; but if they were packed loose he must not use a knife to open the cask."

An objection was raised: We have learned, that R. Simeon ben Gamaliel said: "A man may bring in a cask of wine, cut off the bung-head with a knife, and serve it to the guests with impunity." This Boraitha is in accordance with the opinion of the sages, while our Mishna is in accordance with the decree of R. Nehemiah (who holds that no vessel may be used for any other purpose but that for which it was originally intended). What impelled R. Oshea to make the entire Mishna conform with the dictum of R. Nehemiah? Let him say, that the cask may be opened with a knife even if the figs are loose, and thus be in accord with the sages? Answered Rabha: "The reason is, that R. Oshea could not quite comprehend why the Mishna specified figs: it could have said fruit, and on that account he reasoned as stated."

In one Boraitha we have learned: Palm-leaf baskets containing dried figs and dates may be untied, taken apart, or cut; and in another Boraitha we were taught, that they may be untied, but not taken apart or tied. This presents no difficulty; for one Boraitha is in accordance with the opinion of the sages, and the other is in accord with R. Nehemiah.

A question was asked of R. Shesheth: "May a cask be bored with an auger on the Sabbath? Shall we assume, that one intended to make an opening in the cask and hence it is prohibited, or that he intended merely to make a larger space for the flow of the wine and it is therefore permitted?" The answer was: "The intention was to make an opening, and it is prohibited." An objection based upon the teaching of R. Simeon ben Gamaliel previousy mentioned was raised, and the answer was: "There the intention certainly was to make the space

larger, while here it is obvious that the intention was to make an opening; otherwise, he would have broken open the cask with a knife."

"*One must not pierce the bunghole of a cask.*" Said R. Huna: "They differ only in reference to the top of a bunghole of a cask; but as for the side, all agree that it is not allowed, and this is carried out by the later clause in the Mishna; viz.: 'And he must not bore a hole in the side of it.'" R. Hisda, however, said: "They differ only as far as boring a hole in the side of the bunghole is concerned, but as for the top, all agree that it is permitted; and the later clause of the Mishna means to state that one must not bore a hole in the side of the cask itself."

The rabbis taught: One must not bore a new hole on Sabbath, but if it was already made he may enlarge it; and others say, that he must not enlarge it; but all agree, that if the hole was merely stopped it may be reopened. The first Tana prohibits the boring of a new hole, because thereby an opening is made. Does not enlarging a hole improve the opening? Said Rabba: According to biblical law, an opening through which one cannot enter or go out is not considered a door, but the rabbis made this a precaution on account of chicken-coops, the holes of which are made for the purpose of admitting fresh air and emitting the foul. (Therefore making a hole in a coop is equivalent to making a whole coop, for without holes it is of no value.) Enlarging a hole, however, is permitted, because one would enlarge a hole in a chicken-coop, lest an ichneumon should enter and kill a chicken. Why do some say, then, that holes should not even be enlarged? Because it might be that one did *not* make the hole in a chicken-coop large enough, and *would* enlarge it. R. Na'hman taught in the name of R. Johanan, that the Halakha remains according to the last dictum.

All agree, that a hole which had been stopped up may be reopened. Said R. Jehudah in the name of Samuel: This was said only in the case of where a hole had been stopped to preserve the aroma of the wine. If, however, the hole was stopped up in order to strengthen the cask, it must not be reopened. What is meant by preserving the aroma and by strengthening the cask? Said R. Hisda: "If the hole was on top of the cask and was stopped up, it was for the purpose of preserving the aroma; but if at the bottom, it was for the purpose of strengthening the cask." Rabha said: "If it was at the bottom, it was also only for the purpose of preserving the aroma; and only if

the hole was stopped up right underneath the lees of the wine, it was for the purpose of strengthening the cask."

Rabh prohibits the inserting of a faucet into a cask, and Samuel permits it. All agree, that cutting a hole in the cask for the purpose of inserting a faucet is prohibited, and that replacing the faucet, if once removed, is permitted. They differ, however, only when a hole had already been made in the cask before the Sabbath, but it was not quite fit for the faucet. Those who say, that it is prohibited, do so as a precaution lest one cut a fresh hole, while those that permit this to be done say no precautionary measure is necessary.

This is like the following difference between Tanaim: We have learned that a screw must not be fitted on a festival, much less on a Sabbath; but if it fall out it may be replaced on Sabbath, and so much more on a festival; and R. Yashia makes the ordinance more lenient. What does R. Yashia make more lenient? Shall we assume, that he refers to the first part and permits a screw to be cut? In that event, he would be improving a vessel, and that is certainly not allowed! Shall we assume, on the other hand, that he refers to the second part; the first Tana alone permits this? We must say, therefore, that the screw was already cut, but did not quite fit, and he permits the fitting of it. (Hence the same difference exists here as between the previous Tanaim.) R. Shesheth the son of R. Idi in the name of R. Johanan said: "The Halakha prevails according to R. Yashia."

"*But if it was already perforated*," etc. To fill it up with oil is, according to Rabh, prohibited, as a precaution lest he fill it with wax; and according to Samuel it is permitted, as the latter does not deem a precautionary measure necessary. Said R. Samuel bar bar Hana to R. Joseph: "Thou hast said distinctly in the name of Rabh, that oil is permitted." Answered R. Joseph: "Thou hast caught me in a trap." *

Said Samuel: "The leaf of myrtle must not be put in the bunghole of a cask, so that the wine flow over it." Why so? R. Yimar of Diphti said: "As a precaution lest a groove (channel) be made." R. Ashi said: "As a precaution lest the leaf be broken off (from its stem)." What difference is there? The difference is in the case of a leaf that had already been broken off (from its stem). (The precautionary measure of R. Yimar remains, while that of R. Ashi falls to the ground of itself.)

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* See note to page 114 of this tract.

Is it permitted to wrap one's self in a bolster in public ground and bring it into private ground? Rabh prohibits this and Samuel permits it. If the bolster were soft and could be folded, they do not differ, all agreeing that it is permitted. If it were hard and could not be folded, all agree that it is prohibited. They differ only concerning a bolster that was neither soft nor hard, but a medium between the two. One says, that it appears like a burden and should not be carried, while the other holds that it is not a burden and may be carried; and the opinion just ascribed to Rabh was not stated by him expressly, but was merely inferred from the following incident: "Rabh came to a certain place and found that he lacked room; so he went out into a lane (unclaimed ground), and when a bolster was brought to him he would not sit down on it. Those who saw this inferred therefore that he did not hold it to be permissible." As a matter of fact, this was not so. Rabh had it proclaimed that a bolster was allowed to be used, but in honor of the masters who were with him he would not sit down on that bolster. Who were those masters? R. Kahana and R. Assi.

MISHNA: One may put cooked victuals into a cave (or cellar) for the purpose of preserving them; also put clean water (contained in a vessel) into water that is not drinkable, in order to keep it (the former) cool; likewise cold water (in a vessel) into hot water, in order to warm the former. One whose clothes have dropped into the water while on the road, may unhesitatingly go on with them. As soon as he arrives at the outmost court (of the city or village), he may spread his clothes in the sun to dry, but he must not do this publicly.

GEMARA: Is this not self-evident? One might say, that there should be a precaution against grading (smoothening) any incavations that might be in the cave; hence we are told that such is not the case.

"*Clean water into water that is not drinkable*," etc. Is *this* not self-evident? Yea; but this is taught on account of the later clause in the Mishna, *i.e.*, putting cold water into hot. Is this also not self-evident? One might say, that this should be prohibited, as a precaution lest one also put a vessel containing cold water into glowing cinders to warm; so we are told, that such a precaution is not necessary.

"*One whose clothes have dropped into the water*," etc. Said R. Jehudah in the name of Rabh: "All things which were forbidden on account of causing suspicion among the people (that

one is committing a wrongful act) should not be done, not only publicly, but even in the innermost recesses of one's rooms." Is this not contradictory to our Mishna, which says, that one may spread his clothes in the sun, but *not publicly?* This is a difference between Tanaim, for in reference to this Mishna we have learned in a Boraitha, that both R. Eliezer and R. Simeon hold, that it is prohibited even when *not* done publicly.

Said R. Huna: "He who dusts his clothes on a Sabbath is liable for a sin-offering. This refers only, however, to a new garment, but not to an old one, and the new garment only when it is black; but garments of other colors *may* be dusted. Referring to a black garment, it is only then prohibited to be dusted if its possessor is particular about it (to such a degree, that he never puts it on without dusting it)."

Ula once came to Pumbaditha and he saw the rabbis dusting their clothes on a Sabbath, so he said: "The rabbis are violating the Sabbath!" So R. Jehudah said to his disciples: "Dust your clothes right before his eyes: we are not particular."

Abayi stood before R. Joseph. R. Joseph said to him: "Give me my hat." And seeing that the hat was very dusty, Abayi hesitated to give it to him. So R. Joseph said: "Take hold of it and dust it: we are not particular."

We have learned in a Boraitha: Those who deal in clothes, and carry them folded on their shoulders on Sabbath, are liable for a sin-offering: this refers not only to clothes-dealers, but also to others; clothes-dealers, however, are mentioned, because that is their usual custom. The same is the case with a merchant who carries out a bag of money. He is liable for a sin-offering; and not only a merchant, but also others; but merchants are mentioned because it is their wont to carry money in that manner.

Said R. Jehudah: "It once happened that Hyrcanos the son of R. Eliezer ben Hyrcanos went out on Sabbath with a kerchief folded on his shoulder and tied to one of his fingers with a piece of twine (in order that it might not fall down); and when the sages heard this, they said that the twine was unnecessary, for he could have carried the kerchief without it."

It happened that Ula came to the house of Assi bar Hini, and he was asked whether it was allowed to make a groove of the clothes on Sabbath. (The Babylonians wore long garments, and by turning them up at the bottom a quasi-groove was made.) Ula answered: "So said R. Ilai: It is prohibited to make a

groove on Sabbath." What is a groove? Said R. Zera: "A groove made of the clothes of the Babylonians." Said R. Papa: "Bear this rule in mind: If the clothes are turned up for the purpose of preventing their becoming soiled, it is prohibited; but if they are turned up to improve their appearance, it is allowed, as R. Shesha the son of R. Idi would always arrange his cloak (toga) tastefully (on a week-day, hence it is customary and may also be done on Sabbath)."

When R. Dimi came from Palestine, he related: It once happened that Rabbi went out into the field, and both ends of his toga hung on his shoulders. Said Jehoshua the son of Ziruz, the son of R. Meir's father-in-law before Rabbi: "Did not R. Meir say, that in a case of this kind one is liable for a sin-offering?" Said Rabbi: "Was R. Meir so particular, that he determined just how far down the ends of one's toga should reach?" Still he (Rabbi) let down his toga; and when Rabhin came from Palestine he said, that it was not Jehoshua ben Ziruz who made that remark, but Jehoshua ben Bepusai the son-in-law of R. Aqiba; and not that R. Meir said what has just been cited, but that R. Aqiba had said that. Also, that Rabbi had inquired whether R. Aqiba was so particular; and lastly, that Rabbi let down his toga. When R. Samuel ben R. Jehudah came from Palestine he said, that Rabbi was only asked concerning such a case (but not that he himself was the party referred to).

MISHNA: One who bathes in the water of a cavern or in the hot springs of Tiberias, though he wipe himself with ten towels, must not carry them off in his hand; but if ten persons wiped themselves, their faces, their hands, and their feet, with one towel, they might carry it off in their hands.

One may anoint and rub the stomach with the hands, but not so as to cause fatigue. One must not brush the body with a flesh-brush or descend into a kurdima.* One must not take an emetic, or stretch the limbs of an infant, or put back a rupture; one who has strained his hand or foot must not pour cold water on it, but he may wash it in the usual way: if he thereby becomes cured, it is well.

GEMARA: The Mishna teaches, "the water of a cavern," in connection with the hot springs of Tiberias; hence it must be, that the water of a cavern is also hot. And again it says, "one

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* A bathing place with a loamy bottom, into which it is easy to descend, but from which it is quite an exertion to ascend.

who bathes," and not "one may bathe," from which we see, that to commence with, bathing in those waters is not allowed; but merely to rinse one's self is permitted, even to commence with. This is according to the opinion of R. Simeon.

"*Though he wipe himself with ten towels,*" etc. The first part of this clause in the Mishna imparts something new and unexpected in that it teaches, that, although if one man wipe himself with ten towels, there will be very little water contained in the towels, still he might through thoughtlessness wring them; and the latter part of the clause also imparts something new and unexpected, stating, as it does, that if ten men wipe themselves with one towel, although the towel will contain a great deal of water, they will mutually remind each other that it must not be wrung.

The rabbis taught: "A man may wipe himself with a towel and leave it at the window of a house that is nearest to the wall of the bathhouse; but he must not give it to the bathhouse employees, because they are suspected of wringing it on the Sabbath." R. Simeon, however, says: "A man may wipe himself with one towel and carry it in his hand to his house." Said Abayi to R. Joseph: "How is the law?" and he answered: "Did not R. Hyya bar Aba in the name of R. Johanan say, that the law prevails according to R. Simeon?" Did R. Johanan say this indeed? Did he not say elsewhere, that the Halakha prevails according to the anonymous teachers in the Mishna, and the Mishna teaches, that even if one man wiped himself with ten towels he must not carry them off in his hand? R. Johanan teaches, that the Mishna concludes with, "So said the son of Hakhinai" (hence it is the teaching of one individual).

R. Hyya bar Aba in the name of R. Johanan said: "The bathhouse employees may carry the sheets with which the women wipe themselves in the bathhouse on the street by wrapping them around their bodies; provided they wrap them over their heads and the greater part of their body."

R. Hyya bar Aba said in the name of R. Johanan: "A large veil which is worn by women should have the two ends that hang down in the back tied." And he said again, that they should be tied underneath the shoulders.

Rabha said to the inhabitants of Mehuzza: "If ye must carry clothes for the military on Sabbath, wrap them around you underneath the shoulders."

"*One may anoint and rub his stomach.*" The rabbis taught:

"The stomach may be rubbed and anointed on the Sabbath, provided it is not done the same as on week-days." How should it be done? R. Hama bar Hanina said: "He should first anoint it and then rub it"; but R. Johanan said, that he might do both at the same time.

"*But so as not to cause fatigue,*" etc. Said R. Hyya bar Aba in the name of R. Johanan: "It is not allowed to stand on the bed of Lake Deumseth, because the loam at the bottom is saline and immersion in the lake causes fatigue." Said R. Jehudah in the name of Rabh: "The days on which a cure in that lake (for bodily ills) may be effected are only twenty-one, and Pentecost occurs during those twenty-one days." The school-men asked: "Does Pentecost fall at the beginning of the twenty-one days or at the end?" Come and hear: Samuel said, that all waters taken for a cure are effective only from Passover to Pentecost. As for waters taken internally, Samuel may be right (because during cool weather one takes more exercise and thus the waters are effective), but for bathing it would seem that Pentecost should be the commencement.

Said R. Helbo: "The wine of the land of Purgaitha and the waters of the lake Deumseth robbed Israel of ten tribes (because indulgence in these pleasures are detrimental to spiritual welfare)." R. Elazar ben Aroch happened to be there, and indulged in those luxuries to such an extent that he forgot his learning, and afterwards the sages had to pray for his return unto the Law. This is as we have learned elsewhere (Aboth): R. Nehurai said: "Go into exile only in a place of learning and think not that the Law will follow thee, or that thy comrades will preserve it in thy hands, and do not depend upon thy acquired knowledge." This R. Nehurai is, according to some, the same Elazar ben Aroch, and he was called Nehurai, because this signifies (in Hebrew) "light of the eyes"; for he enlightened the eyes of many scholars with his interpretations.

"*One must not brush the body,*" etc. The rabbis taught: One must not brush the body with a flesh-brush on Sabbath. R. Simeon ben Gamaliel said: "If one's feet were soiled, he might brush them the same as on week-days unhesitatingly." The mother of Samuel the son of Jehudah made her son a silver brush.

"*Or descend into a kurdima.*" Why so? Because the bottom of a kurdima is slippery (and one might fall and wet his clothes, and thus be tempted to wring them).

"*One must not take an emetic.*" Said Rabba bar bar Hana in the name of R. Johanan: "One must not take a medicament as an emetic, but may thrust his finger down his throat and thus cause vomiting."

"*Or stretch the limbs of an infant.*" Said Rabba bar bar Hana in the name of R. Johanan: "To swathe a child on Sabbath *is* allowed."

"*Or put back a rupture.*" Said R. Hana of Bagdad in the name of Samuel: "The Halakha prevails, that it may be done." (Samuel learns in the Mishna, instead of "it is *not* allowed," "it *is* allowed.")

Rabba bar bar Hana once came to Pumbaditha, but did not go into the college of R. Jehudah. So R. Jehudah sent for Ada, the officer of the college, and said to him: "Go and take a pledge of Rabba bar bar Hana." The officer went and did so. Afterwards Rabba bar bar Hana came to the college. When he came he heard R. Jehudah teach, that a rupture must not be put back on the Sabbath. Said he to him: "So said R. Hana of Bagdad in the name of Samuel, that the Halakha prevails permitting this to be done." Answered R. Jehudah: "It is our Hana and our Samuel. Yet we never heard of this before. Now thou canst see that I was right in demanding a pledge for thy appearance. Hadst thou not come, we would never have heard this."

"*One who has strained his hand or foot,*" etc. R. Ivia sat in the presence of R. Joseph, and he dislocated his hand. Said he to R. Joseph, making a motion to replace it: "May I replace it thus?" "Nay," said R. Joseph. "And thus may I?" asked R. Ivia, making another motion. "Nay," was the answer again. Thus questioning, he finally succeeded in replacing his hand. Said R. Joseph to him: "What didst thou ask me for? It is expressly stated in our Mishna, that if one strained his hand or his foot, he must not pour cold water on it, but he may bathe it in the usual way. If he thereby becomes cured, it is well."

"Did we not learn in the same Mishna that a rupture must not be put back, and still Samuel permitted it to be done?" asked R. Ivia. Answered R. Joseph: "Canst thou weave everything into one garment? What we have learned, we may follow; but what we have not learned, we cannot."

CHAPTER XXIII.

REGULATIONS CONCERNING BORROWING, CASTING LOTS, WAITING FOR THE CLOSE OF THE SABBATH, AND ATTENDING TO A CORPSE.

MISHNA: A man may borrow of an acquaintance jugs of wine or oil (on Sabbath), provided he does not say to him: "Lend (them to) me." A woman may also borrow bread from her acquaintance. If the man is refused (by his acquaintance), he may leave his upper garment (as a pledge) with the lender, and settle his account after Sabbath. Thus, also, in Jerusalem, the custom was, if the eve of Passover fell on a Sabbath, a man might leave his upper garment with the vender, take his paschal lamb, and settle his account after the holiday.

GEMARA: Rabha bar R. Hanan said to Abayi: "What is the difference between saying: 'I want to borrow' and 'Lend me'?" Answered Abayi: "The difference is, if a man says, 'I want to borrow,' he usually returns what he has borrowed and the lender will not be compelled to write it down; but if he says, 'Lend (trust) me,' the lender generally writes down what he has lent." Said Rabha again: "During the week it makes no difference, the lender is not particular whether one says, 'I want to borrow,' or 'Lend me.' He writes it down just the same; then why should a distinction be made on Sabbath?" And Abayi answered: "The saying of 'I want to borrow,' on Sabbath, is a reminder to the lender that the sages said, that one must not say 'lend me,' and thus prevents him from writing it down."

The same said again to Abayi: "Let us see! The sages said, that everything done on a festival which can be done in a different manner from that on a week-day should so be done. Now, why do we not see women, who go for water with jugs, perform that work differently from their manner on a week-day?" He answered: "Because that would be impossible! For how should they do? Shall we say, that one who carries a large jug should carry a small one? That would necessitate her going twice. Or that one who carries a small jug should carry a larger

one? Then she would have a heavier burden to carry. Should she cover it with a cloth? Then she might wring it. Should she cover it with a lid? Then she might have to untie it. Hence it is impossible." *

"*A woman may also borrow bread from an acquaintance*," etc. From the Mishna we see, that only on Sabbath a woman must not say, "Lend me," when borrowing bread, and on week-days that would be permitted. Would this not be against the decree of Hillel, who prohibits this on account of possible usury (as explained in Tract Baba Metzia)? Nay; we can say that the Mishna is in accordance with Hillel's decree, but here it refers to such places where bread has a fixed value, while Hillel refers to places where bread has not a fixed value.

"*If the man be refused*," etc. It was taught: "A loan on a festival is, according to R. Joseph, uncollectable by law, and Rabba say it *is collectable*." R. Joseph says, that it is uncollectable, because otherwise the lender will write it down; and Rabba says, if we say that it is uncollectable, the lender will not trust the borrower and the latter will not have the means of celebrating the festival. Is this not a contradiction to our Mishna, which teaches, that if the man be refused trust, he may pledge his garment, etc.? If the loan be uncollectable, the pledging is quite right; but if it be collectable by law, why should the borrower pledge his garment? The lender can sue him by law? The lender might say, that he does not care to be troubled by law-suits and judges. R. Ivia would take pledges, and Rabba bar Ula would trick the borrower (by in turn borrowing something from him after the holiday and holding that for a pledge).

MISHNA: A man may count the number of his guests and also of his extra dishes verbally, but not from a written list. He may let his children and household draw lots at table (as to who is to have one dish, and who is to have another), provided he does not intentionally stake a larger portion against a smaller one. They may also draw lots for the holy sacrifices on a festival (as to which priest is to have one sacrifice and which is to have another), but not for the eatable portions of the sacrifices (to whom one piece belongs, and to whom another piece belongs).

GEMARA: Why should a man *not* read from a written list?

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* The additional quotations of Rabha bar Hanan to Abayi concerning festivals will appear in Tract "Festivals," where they properly belong.

Said R. Bibhi: "Lest he might strike out a guest's name or an extra dish from the list." Abayi said: "This is a precautionary measure against reading of business papers on Sabbath." What is the point of difference between them? If the list is engraved on the wall! In that case there is no fear of striking out a name, but the precaution against reading business papers still remains, and the Amoraim differ in this case with the Tanaim in the following Tosephta, as we have learned: "A man must not look into a mirror on Sabbath (lest he trim his hair with scissors), but R. Meir permits looking into a mirror which is attached to a wall." Now, why may a man look into a stationary mirror; because by the time he goes to fetch scissors, he will be reminded that it is Sabbath? Why not say, that the same is the case with another mirror, which he holds in his hand? By the time he lays down the mirror and goes for scissors, he will also be reminded that it is Sabbath? The mirror prohibited to be used by the first Tana of the Tosephta is one that is attached to an instrument which can be used to trim hair, and that is in accordance with the dictum of R. Na'hman as stated by Rabba bar Abuha in his name: "Why did the sages prohibit the use of an iron mirror? Because a man might use it to trim his superfluous hair."

The rabbis taught: An inscription at the foot of pictures of beasts or men must not be read on the Sabbath; and gazing on the picture of a man is prohibited even on week-days, because it is written [Leviticus xix. 4]: "Ye shall not turn unto the idols." With what tradition do you supplement this verse, that you may infer therefrom the prohibition to gaze at a picture? Said R. Hanin: "Ye shall not turn to the idols which your imagination alone hath created."

"*He may let his children and household draw lots,*" etc. It says, "his children and household": we must assume, that strangers are not to be included; if not, why not? As R. Jehudah said in the name of Samuel: A party of men eating on a festival, where the portions distributed to each are exactly alike in size and quantity, are guilty of the following prohibited acts; viz.: measuring, weighing, counting, borrowing and lending* (all of which acts are prohibited on a festival). According to Hillel's opinion, they are guilty of usury also. If that is so, why

* Guilty of borrowing and lending can only be explained by presuming that, if one received a smaller portion than another, the host would promise to make up for the deficiency on another day.

should it be allowed for his children and household? Here the reason is as related by R. Jehudah in the name of Rabh, who said: "It is allowed to borrow or lend from and to one's children and household and charge interest, in order to exemplify the evils of usury." If that is so, why is it not allowed, according to the Mishna, to stake a larger portion against a smaller? As a matter of fact, it is allowed; but the Mishna is defective and should read: "He may let his children and household draw lots at table, and *even* stake a larger portion against a smaller." Why so? As R. Jehudah said in the name of Rabh above: He may let his children and household draw lots, but not strangers. Why so? As R. Jehudah said in the name of Samuel above: A larger portion must not be staked against a smaller one even on week-days for strangers. Why so? On account of Kubeia.*

"*They may also draw lots for the holy sacrifices,*" etc. What is meant by "but not for the eatable portions"? (Why should that not be done? The eatable portions of the sacrifices must be eaten on a festival.) Said R. Jacob the son of the daughter of Jacob: "That prohibition is only applicable to the eatable portions of the sacrifices left over from the preceding day. Is this not self-evident? I would say, that because it is written [Hosea iv. 4]: 'And thy people are contentious equally with the priests,' that the priests are contentious, and hence they should be permitted to cast lots for the eatable portions of the sacrifices (for the sake of peace); therefore we are taught, that the sacrifices of the day may be drawn for, but not those of the preceding day."

The same R. Jacob said: "A man on whose account another man has been punished, either through divine or human judgment, is not admitted into the abode of the Holy One, blessed be He." Whence is this adduced? Shall we assume that it is from the verses [I Kings xxii. 20–22]: "And the Lord said, Who will persuade Achab, that he may go up and fall at Ramoth-gil'ad? And one said, In this manner, and another said, In that manner. And there came forth a spirit, and placed himself before the Lord and said, I will persuade him. And the Lord said unto him, Wherewith? And he said, I will go forth, and I will be a lying spirit in the mouth of all his prophets. And He said, Thou wilt persuade him, and also prevail: go forth and

* From the Greek κυβεια = dice. The above prohibition is a precautionary measure against the possibility of casting lots degenerating into a game of hazard.

do so." And it was asked who the spirit was, and R. Johanan said, it was the spirit of Naboth; and Rabh said that by saying, "Go forth," the Lord meant to expel the spirit from within His abode. Perhaps the reason for expelling the spirit was because it is written [Psalms ci. 7]: "He that speaketh falsehoods shall not succeed before my eyes." Therefore we must say that the basis for R. Jacob is the following. It is written [Proverbs xvii. 26]: "To punish the just with a fine even is not good." (This is explained to signify, that even punishment through a just man is not good.) What is not good is certainly evil, and it is written [Psalms v. 5]: "For thou art not a God that hath pleasure in wickedness: evil cannot abide with thee"; and this means, that "because Thou, God, art righteous, evil cannot remain in Thy abode."

"*They may draw lots*," etc. How do we know that the word "Choloshim"* means lots? It is written [Isaiah xiv. 12]: "How art thou fallen from heaven, O morning-star, son of the dawn! how art thou hewn down to the ground, crusher of nations!" ("*Crusher*" is expressed by the word "*Cholesh*," and the inference is made from the supposition that lots were cast which nation was to be crushed first.)

It is written [Daniel iv. 33]: "And additional greatness was added unto me." What was that additional greatness? Said R. Jehudah in the name of R. Jeremiah bar Aba: "From this we can infer, that he (Nebuchadnezzar) rode a male lion and twisted a snake round the lion's head, to verify what is written [Jeremiah xxvii. 6]: 'And also the beasts of the field have I given him to serve him.'"

MISHNA: One must not hire laborers on the Sabbath, nor may he commission another man to hire them for him. One must not stand at the extreme limit of the "techoom"† and wait for dusk (the end of Sabbath), in order to hire laborers (beyond the techoom), or gather fruit beyond it; but if watching fruit beyond the techoom, he may await the dusk at its extreme limit, and in that case bring the fruit back with him. Abba Saul laid down the rule: "Whatever I am permitted to prepare for the day following the Sabbath, *on* the Sabbath, I may get ready for at dusk."

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* The term "casting lots" is expressed in the Mishna by the word "*Choloshim*," and the root of the word "Choloshim" is "Cholosh," and has a variety of meanings.

† By "techoom" is meant the distance of 2,000 ells which a man may traverse on the Sabbath, and refers to the limits of that distance.

GEMARA: What is the difference between a man and his neighbor? The Mishna teaches he should not hire laborers on Sabbath nor commission another man to hire them for him? Is this not self-evident? His neighbor is also a Jew. Said R. Papa: "That refers to a Gentile neighbor." R. Ashi opposed this, and said: "The prohibition to commission a Gentile to do something on a Sabbath is merely rabbinical, for the sake of the Sabbath rest (Shbhuth),* and to hire laborers on the Sabbath is also prohibited only by rabbinical law. How then can one rabbinical law be supplemented by another of the same character? Hence I may say, that the Mishna refers to a Jewish neighbor and should be explained thus: A man must not commission him to hire laborers on Sabbath, but he may say to him, 'Come to me after dusk and we will do something together.' The Mishna is in accordance with the opinion of R. Jehoshua ben Kar'ha, as we have learned elsewhere: A man must not say to his neighbor, 'I would like to see thee after dusk for the purpose of talking business,' and R. Jehoshua ben Kar'ha says he may do so, and Rabba bar bar Hana in the name of R. Johanan taught, that the Halakha prevails according to R. Jeshoshua ben Kar'ha."

Rabba bar bar Hana in the name of R. Johanan said again: "What reason did R. Jehoshua ben Kar'ha have for saying so? Because it is written [Isaiah lviii. 13]: 'By not following thy own business, and speaking vain words.' It is not allowed to speak, but surely thinking is permitted!"

R. A'ha bar R. Huna asked Rabha concerning the following contradiction: "How can we say, R. Johanan states, that though it is not allowed to speak it is allowed to think; did not Rabba bar bar Hana say in the name of R. Johanan, that everywhere it *is* allowed to think, excepting in a bathhouse and a toilet-room, for where it is not allowed to speak of the Law it is also not allowed to think of it?" "In that case it is different, for it is written [Deuteronomy xxiii. 15]: 'Therefore shall thy camp be holy,' and a bathhouse and a toilet-room cannot be holy; hence thinking of the Law in those places is not allowed." Speaking of other things except the Law is not permitted (on Sabbath). Did not R. Hisda and R. Hamnuna both say, that it is allowed to count up charitable disbursements on Sabbath; and R. Elazar say, that one may figure out amounts to be distributed among the poor (on Sabbath); and R. Jacob bar Idi say

* See Introduction to Tract Sabbath, p. xxii.

in the name of R. Johanan, that all things pertaining to the saving of human beings or the affairs of the community may be discussed on Sabbath, and that it is allowed to go to the schoolhouses and call meetings for deliberation upon the community's business; and R. Samuel bar Nahmeni say in the name of R. Johanan, that even halls may be visited for the purpose of calling business meetings together; and the disciples of Menasseh say, that betrothal of daughters may be discussed and the advisability of choosing a profession for a child may be deliberated upon, on the Sabbath? The passage cited in the Law states, that "following thy business" is prohibited, but affairs sanctioned by Heaven may be discussed (and all the above affairs are pleasing to the Lord).

R. Jehudah said in the name of Samuel: "Accounts concerning which advice is requested by others and which have no bearing upon one's own business may be figured on the Sabbath." The following Boraitha is cited in support of this: "Accounts of disbursements in the past and of future expenditures must not be calculated on the Sabbath; but such as are of no importance, and concerning which advice was asked, may be calculated." Is the following Boraitha not contradictory to the one cited? "Accounts which are of no importance at all may be calculated on Sabbath, but not such as are of importance." How so? A man may say to his neighbor, "I have hired so much labor to cultivate a certain field," or "I have expended so many Dinars on such a dwelling," but he must not say, "I have expended so much and must expend so much more." (The contradiction arises from the fact that in the previous Boraitha it is prohibited to calculate disbursements made in the past, while in the last Boraitha it is permitted.) But according to your opinion, why not cite the contradiction occurring in the previous Boraitha itself; viz.: Firstly, it is said that disbursements of the past must not be calculated, and then, that accounts of no value may be figured? This presents no contradiction at all (neither in the previous Boraitha itself, nor from one to the other). If the disbursements of the past have already been made and nothing is owing, then the accounts of same are of no value and may be spoken of on the Sabbath; but if any amount of such expenditures is still due, then it becomes an important account and must not be discussed.

"*One must not stand at the extreme limit of the 'techoom,'*" etc. The rabbis taught: It once happened that the fence of the

field belonging to a pious man was broken, and noticing it on a Sabbath, he was about to mend it, when he recollected that it was Sabbath; so he left it. A miracle occurred, and kaffir-corn began to sprout in the place of the broken fence and furnished him and his family with their sustenance. R. Jehudah said in the name of Samuel: "A man may say to his neighbor, 'To-morrow I intend to go to a certain town.' Why may he say this? Because, if there are huts on the road to that town at distances of seventy ells apart, he may even go on Sabbath; hence, though there be no huts on the road, he may say that he intends going on the morrow."

An objection was made, based upon our Mishna; viz.: "One must not stand at the extreme limit of the techoom and wait for dusk in order to hire laborers or gather fruit." It would be quite right, if the hiring of laborers only was concerned; for a thing which must not be done on Sabbath must not be waited for at the techoom; but as for gathering fruit, if there were walls around the town, that would be permitted? Why, then, should it be prohibited to wait at the techoom until dusk? This may refer to fruit which was still attached to the ground (and could not be gathered on Sabbath even if the town had walls). How can this be said? Have we not learned that R. Oshea taught: "One must not wait at the techoom to bring straw and chaff." It would be correct concerning straw which is still attached to the ground; but how can this apply to chaff? This may refer to chaff which is used to mix with loam, and hence was designated for building purposes.

Another objection was made! Come and hear: We have learned in the succeeding Mishna, that nightfall may be awaited at the techoom in the case of a bride and corpse; hence for other purposes one must not await nightfall at the techoom. It would be quite right if it said, in the case of things pertaining to a bride, for instance to cut off a myrtle-branch; but what things can be done pertaining to a corpse? Only the bringing of the coffin and the shroud? Why, then, should a man not be allowed to bring things which are the equivalent of the necessaries pertaining to a corpse? for if there were walls surrounding the town, he would be allowed to bring them. Why, then, should he not be permitted to wait at the techoom for the purpose of bringing them? Because the case may be, that things (as shrouds) pertaining to the corpse were not already prepared, but must be cut.

"*But if watching fruit beyond the techoom, he may await the dusk,*" etc. May he do this even if he had not yet recited the Habhdalah prayer? Why! R. Elazar ben Antignous said in the name of R. Elazar ben Jacob, that a man must not transact his business at the close of Sabbath, before reciting the Habhdalah prayer. And if it be that he said the Habhdalah prayer while reciting the evening prayer, did not R. Jehudah in the name of Samuel say, that even if a man included the Habhdalah prayer in the evening prayer, he must say it again over the goblet of wine? Should it then be said, that he said the prayer over the goblet also; how could he have done that in a field? This case refers to the time of wine-pressing (when it is possible to obtain a goblet of wine even in the field); such is the explanation of R. Nathan bar Ami to Rabh. Said R. Aba to R. Ashi: "In the West (Palestine) we simply say the benediction, 'Blessed be he, etc., who distinguishes between holy and ordinary days,' and go right to work." And R. Ashi said: "When we were in the house of R. Kahana, he would pronounce the same benediction, and we would go and chop wood."

"*Abba Saul laid down the rule,*" etc. Concerning what clause of the Mishna does Abba Saul lay down this rule? Shall we assume that he refers to the first clause of the Mishna, which decrees, that one must not stand at the extreme limit of the techoom and wait for dusk, and thus applies his rule? Then, instead of saying, "Whatever I am permitted to prepare," etc., he should have said in the negative, "Whatever I am not permitted to say to another man he should do for me, I must not wait at the techoom to do myself." If we assume, however, that the rule refers to the latter clause of the Mishna, namely, "but if watching fruit, he may await the dusk," etc., then Abba should have applied his rule to the contrary; viz.: "Whatever I am permitted to wait for at the techoom, I may tell another man to do for me." Abba Saul applies his rule to the latter clause of the Mishna, and he refers to the following dictum of R. Jehudah in the name of Samuel, viz.: "A man may say to his neighbor: 'Watch my fruit which is in your vicinity, and I will watch such of yours as is in my vicinity.'" This is commented upon by Abba Saul, addressing the first Tana as follows: "You certainly admit that a man may say to his neighbor, 'Watch my fruit in thy vicinity and I will watch thine in my vicinity.' Now, say, 'Whatever I am permitted to tell my neighbor to do, I am also permitted to wait for at the techoom

to do it myself.' " What does Abba Saul intend to supplement by laying down a rule? He means to add what was taught by the rabbis, as follows:

One must not wait at the techoom to bring home a stray animal; but if it is seen from the limits of the techoom, it may be called, so that it will come to within the techoom by itself. To this Abba Saul applied the rule, that if one may call to the animal, he may also wait at the techoom limits until dusk and bring it in himself. A man may also wait at the techoom limits to forward what is necessary for a bride; and also what is necessary for a corpse, to bring a coffin and shrouds for him; and we may say to him: " Go to a certain place and take it; and if thou dost not find it in that place, go to another place; and if thou canst not buy it for one hundred Zuz, buy it for two hundred." R. Jose the son of R. Jehudah said: " One must not specify the amount the necessaries are to be bought for, but merely say, ' If thou canst not get it for little money, get it for more.' "

MISHNA: One may await the dusk at the limits of the techoom, to furnish what is necessary for a bride and for a corpse, and to bring a coffin and shrouds for the latter. If a Gentile brought mourning fifes on the Sabbath, an Israelite must not play (mourn) on them, unless they be brought from the vicinity. If a coffin had been made and a grave dug for him (on the Sabbath), an Israelite may be buried therein; but if it was done on purpose for an Israelite, he must not at any time be buried therein.

GEMARA: What does the Mishna mean by saying, " unless they be brought from the vicinity "? Rabh said: " By that is meant a place within sight, where one is positive that it was within the limits of the techoom." Samuel said: " Even if it is not positively known that they came from within the limits of the techoom, but where it is presumed that such is the case, the fifes may be used." Our Mishna seems to be in accord with Samuel's explanation, because it says in the next clause, " If a coffin had been made and a grave dug for him, an Israelite may be buried therein," and it does not say positively that the two things were done for a Gentile; hence we see, that where an object is doubtful, we may presume that it is allowed. Thus in the case of the fifes, if there *is* a doubt as to whence they were brought, they may nevertheless be used by an Israelite. We have learned in a Boraitha, however, a support to Rabh's opinion; viz.:

A city which contains both Israelites and Gentiles, and there is a bathhouse there which is heated on the Sabbath, if the majority of the inhabitants are Gentiles an Israelite may go there immediately after sunset on the Sabbath. If there are more Israelites than Gentiles there, the Israelite must wait the length of time required to heat water afresh before going to the bathhouse; and the same is the case in a city where there is an equal number of Jews and Gentiles. (This is a support to Rabh, because, though it is doubtful whether the bath was heated for a Jew or a Gentile, still, the Israelite must wait.) R. Jehudah said: "If the capacity of the bath be limited (so that water be heated quickly) and a notable man be present, the Israelite need not wait." What is meant by a notable man? Said R. Jehudah in the name of R. Itz'hak the son of R. Jehudah: "If there was a man present who had ten servants, who could heat ten jars of water at the same time, an Israelite might go and bathe himself." *

"*If a coffin had been made and a grave dug for him*," etc. Why should we not wait until the length of time in which a new grave can be dug elapses? Said Ula: "This refers to a paved way, where a grave is seldom dug for an Israelite (hence it must have been dug for a Gentile)." What can be said in reference to the coffin? Said R. Abuha: "If the coffin lie on the same grave."

MISHNA: One may do all that is necessary for a corpse (on Sabbath), anoint and wash it, provided he does not dislocate its limbs. The pillow may be moved from under its head; the corpse may be put on sand, in order to keep it (from putrefying) the longer; its jaws may be tied, not for the sake of bringing them together more closely, but to prevent them from dropping lower. In like manner, a beam that had been broken may be upheld by a stool or bedstead, not in order to make it erect again, but to keep it from breaking still more.

GEMARA: Did not R. Jehudah in the name of Samuel say, that it once happened that a disciple of R. Meir, while entering behind his master into the bathhouse, wished to rinse off a place for his master to sit down, and his master would not permit it; so he wanted to grease the steps with oil, but the master said that the floor must not be oiled? Hence we see, that a thing which must not be handled must not be anointed or

* Others say that this above Boraitha really supports Samuel on account of R. Jehudah, and Rashi remarks that he finds that the more plausible supposition.

washed. How then is it permitted to wash and anoint a corpse? If the floor of a bathhouse be allowed to be washed, there is fear lest another floor will be washed also (and thus smoothen any holes which may be in the floor); but a corpse and a floor cannot be confounded, and it is allowed to wash and anoint a corpse out of respect to the dead.

What is meant to be supplemented by "all that is necessary for a corpse"? They meant to add what was taught by the rabbis; viz.: "One may bring vessels for cooling the corpse, or iron vessels may be put on the belly of the corpse to keep it from swelling, and one may stop up any holes in the corpse to keep the air from entering."

MISHNA: One must not close the eyes of the dead on the Sabbath, nor (even) on the week-day, while he is expiring. Whoever closes the eyes of a dying person the instant he expires, is equal to the man who sheds blood (like a murderer).

GEMARA: The rabbis taught: Who closes the eyes of a dying man is like a murderer, for it is the same as a candle which is about to go out. If a man lays a finger on the flame, it immediately becomes extinguished, but if left alone would still burn for a little time. The same can be applied to the case of an expiring man; if his eyes were not closed, he would live a little longer, and hence it is like murder.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "One who wishes that the eyes of a corpse should close, should inject wine into the nostrils of the corpse and anoint the eyelids with a little oil, and then pull the big toes of the feet, when the eyelids will close of themselves."

We have learned in another Boraitha: "One should violate the Sabbath even for a child of one day, if it still have life; but for a corpse, even be it that of David, King of Israel, the Sabbath must not be violated." The reason for this is: For a child of even one day, the Sabbath should be violated, saith the Thorah, in order that it may keep many Sabbaths in the future; but David, King of Israel, when dead, can keep no more commandments. This is in accord with the saying of R. Johanan; viz.: It is written [Psalms lxxxviii. 6]: "Free among the dead," etc.; which means, that when a man is dead, he is free from keeping any commandments.

We have also learned in a Boraitha: R. Simeon ben Elazar said: A child of a day need not be guarded from the attacks of cats and dogs, but even when Og the King of Bashan is dead he

must be guarded, as it is written [Genesis ix. 2]: "And the fear of you and the dread of you shall be upon every beast of the earth," etc. Hence, as long as a man lives, the beasts are in dread of him; but as soon as he is dead, the fear is destroyed.

We have learned in another Boraitha: R. Simeon ben Elazar said: As long as thou canst, practise charity: as long as thou hast the opportunity and as long as it is in thy hands. For Solomon said in his wisdom [Ecclesiastes xii. 1]: "But remember also thy Creator in the days of thy youthful vigor, while the evil days (meaning old age) are not yet come, nor those years draw nigh of which thou wilt say, I have no pleasure in them." By that is meant, the days of the Messiah, because at that time there will be neither rich nor poor: all will be rich (and no opportunity for charity will present itself). This differs with the teaching of Samuel, who says, that there is no difference between the present time and the days of Messiah, only that one is subject to the government at the present time, while then it will not be so, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

We have learned in a Boraitha: R. Elazar Hakappar said: A man should always pray for deliverance from poverty, although if he himself will not eventually come to poverty, his children or his grandchildren will, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land, *therefore* do I command thee," etc. (The Hebrew term for "therefore" is "Biglal," and the school of Ishmael taught that Biglal is the equivalent of Galgal, meaning a "wheel," thus inferring, from that word, that poverty is like a wheel, always turning from one to the other.)

R. Joseph said: "There is a tradition extant, that a diligent young scholar will never become poor." But we see that he sometimes does become poor? Still, we have never seen one so poor that he had to beg his bread from house to house.

Said R. Hyya to his wife: "If thou seest a man about to beg bread from thee, hasten to give it to him, that he might at some other time do likewise for thy children." Said she to him: "Art thou cursing thy children?" "Nay; I am simply quoting the verse above, as interpreted by the school of Ishmael, that poverty is a wheel continually turning."

We have learned in a Boraitha: Rabbon Gamaliel the Great*

* This means Gamaliel the Second, who was the Nassi in Jamnia, and he is entitled "the Great" in many places.

said thus: "It is written [Deut. xvii. 18]: "And grant thee mercy and have mercy upon thee, and multiply thee," etc. This means to say, that one who hath mercy upon creatures will be granted mercy from above, but one who hath not mercy upon other creatures will not be granted mercy from above.

It is written [Ecclesiastes xii. 2]: "While the sun, and the light, and the moon, and the stars are not yet darkened." The sun and the light are compared to the brow and the nose, the moon to the soul, the stars to the cheeks; and further, the verse reads: "And the clouds return not again after the rain," which means, that after weeping the eyes become dim. (The entire verse is, according to this interpretation, not applicable to the end of the world but to a human life.)

Samuel said: "Up to forty years of age, the eyes of a man which have become dim through tears may yet be restored by different remedies, but beyond that age there is no remedy for them"; and R. Na'hman said: "The dye used for the eyes makes them brighter until a man is forty years of age; after that age, however, it may preserve the eyes, but does not help them, even if the eyes are filled with dye." What are we given to understand by this statement? We are told that, the larger the brush used for applying the dye to the eye, the better it is for the eyes.

One of R. Hanina's daughters died, and he did not weep over her death. Said his wife to him: "Was a hen carried out of thy house?" "Is it not sufficient that our child died; wouldst thou have me lose my eyes through weeping?" replied R. Hanina; and he is of the opinion of R. Johanan, who said in the name of R. Jose ben Katzartha: "There are six kinds of tears in the eyes, three of which are good for the eyes and three bad. Tears generated by smoke, weeping, or disorder of the bowels are bad for the eyes; but those that are caused through laughing, acrid fruits (such as mustard), and medicaments which are applied to produce tears, are good for the eyes."

It is written [Ecclesiastes xii. 3]: "On the day when the watchmen of the house will tremble": this refers to the bowels and the sides which protect the bowels; "the men of might will bend themselves," meaning the legs of the man; "and those be darkened that look through the windows," refers to the eyes.

Cæsar asked of R. Jehoshua ben Hananiah: "Why didst thou not come to the debating rooms?" and he answered: "The mountain is covered with snow" (meaning his head was

gray), "the surrounding paths are icy" (meaning his beard was gray), "the dogs do not bark any more" (meaning his voice was inaudible), "and the millstones grind no more" (meaning his teeth were decayed).

The school of Rabh would say of an old man: "He hath lost nothing and is constantly seeking" (meaning that he was always bowed down).

We have learned in a Boraitha: R. Jose bar Kisma said: "Two are better than three" (referring to two legs, instead of two legs and a stick). "Woe is to the one who goeth away and doth not return," so said he. What does he mean by it? Said R. Hisda: "Youth."

When R. Dimi came from Palestine, he said: "Youth is a crown of roses, and old age a crown of thorns."

We have learned in the name of R. Meir: Be heedful of thy teeth and thou wilt show it in thy step, as it is written [Jeremiah xliv. 17]: "When we had plenty of food and fared well and saw no evil." Said Samuel to his disciple R. Jehudah: "Thou sagacious man! When thou goest to eat, untie thy stomacher and bring in thy bread! Before the age of forty, eating is more wholesome; but after that, drinking is better."

A eunuch (who was a Sadducee) said to R. Jehoshua, who was bald-headed, with the intent to tease him: "How far is it from here to Bald city?" and he answered: "Just as far as from here to Castrate city." The eunuch said again: "I noticed that a bald goat only cost four Zuz"; and R. Jehoshua said: "Yea! and I noticed that the privates which were cut away from a he-goat cost eight Zuz." The eunuch noticed that R. Jehoshua did not wear shoes, and said: "He who rides a horse is a king, he who rides an ass is a nobleman, he who wears shoes is at least a man, but he who does not even wear shoes is worse off than a corpse in his grave." Said R. Jehoshua: "Thou eunuch! Thou hast told me three things, and three things thou shalt presently hear from me: The beauty of the face is a beard, the joy of the heart is a wife, and God's inheritance is children. Blessed be the place that has kept thee from all these joys." The eunuch retorted: "Thou bald-head! Wouldst thou quarrel with me!" and R. Jehoshua replied: "Thou eunuch! Thou camest to tease *me*."

Rabbi said to R. Simeon the son of Halaphta: "Why did we not have the pleasure of thy company on the festivals, as our parents had the pleasure of thy parents' company?" and he

answered: "The hills have become mountains, those who were near have become distant, two have become three, and the peacemaker of the house is gone" (meaning, "I have become old, can make but short steps, must have a cane to lean on, and my teeth are gone").

It is written [Ecclesiastes xii. 4]: "And when the two doors on the streets will be locked, while the sound of the mill becometh dull, and man riseth up at the voice of the bird"; and means, that in old age a man's stomach refuses to digest and he cannot excrementize, and he becomes so weak that the least sound, such as piping of a bird, will awaken him from his slumbers. Even so said Barzillai the Gileadite to King David [II Samuel xix. 36]: "I am eighty years old this day; can I discern between good and evil?" which proves to us that the mind of an old man changes; and further, it says: "Or can thy servant taste what I eat or what I drink?" From this we see that an old man's sense of taste is lost; and further, again: "Or can I listen yet to the voice of singing men and singing women?" which proves to us that old men become hard of hearing. Said Rabh: "Barzillai the Gileadite was a liar; for the servant who was in the house of Rabbi was ninety-two years old, and she would taste all the dishes that were being cooked." Said Rabha: "Barzillai was a lascivious man, and a man of that kind ages very rapidly and loses all his senses."

We have learned in a Boraitha: R. Ishmael bar R. Jose said: "The older scholars become, the more wisdom comes to them, as it is written [Job xii. 12]: 'So is with the ancients wisdom, and with those of length of days understanding.' With ignorant men, however, it is different. The older they become, the more ignorant they are, as it is written [ibid. 20]: 'He removeth the speech from trusty speakers and taketh away the intelligence of the aged.'"

It is written [Ecclesiastes xii. 5]: "Also when men will be afraid of every elevation." To an aged man, even a little hillock appears as a high mountain; "and are terrified on every way," and they are afraid of everything on their way; "and the almond-tree will refuse (its blossom)," meaning that the joints of the limbs will refuse to do their duty; "and the locust will drag itself slowly along, and the desire will gainsay compliance," means that the desires of old men wane.

Said R. Kahana: "What is written [Psalms xxxiii. 9]: 'For

he spoke, and it came into being,' refers to a woman; and 'he commanded, and it stood fast,' refers to children."

It is written [Ecclesiastes xii. 5]: "Because man goeth to his eternal home." Said R. Itz'hak: "This proves that every righteous man is given a dwelling in the world to come according to his merit, and this is like a king with his slaves entering a city. They all enter through one gate, but when night comes every man is given a berth in accordance with his rank."

R. Itz'hak said again: "It is written [Ecclesiastes xi. 10]: 'For childhood and the time when the head is black* are vanity,' and means to say, that the deeds committed in youth blacken the reputation in old age."

R. Itz'hak said again: The worms are as disagreeable to a corpse as pricks of needles are to a man, even if an excrescence only is pricked, as it is written [Job xiv. 22]: "But his body on him feeleth pain, and his soul will mourn for him." R. Hisda said: "The soul of a man mourns for him the first seven days after his death, and that is based upon an analogy of expression; viz.: It is written [Genesis l. 10]: 'And he made for his father a mourning of seven days'; and the verse in Job previously quoted also contains the word 'mourn,' hence the analogy."

R. Jehudah said: "If a corpse has left none to mourn him, ten men should go to the place where he died and mourn his death." A stranger, who had none to mourn him, died in the neighborhood of R. Jehudah; so every day R. Jehudah took ten men, went to the place where the stranger died, and mourned for him. After seven days, the spirit of the stranger appeared to R. Jehudah in a dream, and said to him: "May thy heart be as light as thou hast made mine."

Said R. Abuha: "All that is said in the presence of a corpse is known to the latter, until he is buried and the earth is thrown on top of him." R. Hyya and R. Simeon bar Rabbi differ concerning this: One says, until the corpse is buried, and the other, until the flesh is decomposed. He who says until the flesh is decomposed, bases his assertion on the previously cited verse: "But his body on him feeleth pain, and his soul will mourn him." The other, who says "only until he is buried," bases his assertion upon the verse [Ecclesiastes xii. 7]: "When the

* The Hebrew expression for "the time when the head is black" is "Shachrus," meaning blackness.

dust will return to the earth as it was, and the spirit will return unto God who gave it."

The rabbis taught: "Return the soul to the Lord as clean as He gave it to thee." This is illustrated by a parable of a king who once gave to his attendants suits of clothes. The wise among them took care of them, kept them clean and folded, and used them on special occasions only. The fools put them on and performed their work in them. Naturally, the clothes became dirty. All at once, the king demanded the clothes back again. The wise men returned them clean and whole, but the fools returned them in a dirty and dilapidated condition. The king was well pleased with the wise men, and told them to depart in peace, and had their clothes stored; but the clothes of the fools he ordered to be sent to the washers, and the fools were sent to prison. So does also the Holy One, blessed be He. Concerning the bodies of the righteous men, He saith [Isaiah lvii. 2]: "He shall come in peace: they shall repose in their resting-place"; and concerning the souls he saith [I Samuel xxv. 29]: "Yet will the soul of my lord be bound in the bond of life with the Lord thy God." Concerning the bodies of the wicked, He saith [Isaiah lxviii. 22]: "There is no peace, saith the Lord, unto the wicked"; and concerning the souls of the wicked, He saith [I Samuel xxv. 29]: "And the soul of thy enemies will he hurl away, as out of the middle of the sling."

We have learned: R. Eliezer said: "The souls of righteous men are deposited underneath the throne of honor, as it is written: 'Yet will the soul of my lord be bound in the bond of life'; and the souls of the wicked are crowded together until they are crushed, as it is written: 'The souls of thy enemies will he hurl away.'" "How is it with the souls of men who are neither righteous nor wicked?" asked Rabba of R. Na'hman. He answered: "If I were dead, ye would not know it." Samuel said: The souls of the righteous, of the ordinary men, and of the wicked are given over to the angel whose name is Domah, who has charge of all souls. The souls of the righteous are given their resting-place soon; the others are not given rest until they come before the divine judgment.

Said R. Mari: "The bodies of righteous men also decompose, as it is written: 'When the dust will return to the earth, as it was.'"

Diggers were digging some earth belonging to R. Na'hman. They came to the grave where R. Achai bar Yashia was buried,

and the corpse scolded them. The diggers came to R. Na'hman, and told him that a man who was buried on his ground had scolded them. So R. Na'hman went himself to the grave, and asked: "Who art thou, Master?" and the man in the grave answered: "I am called Achai bar Yashia." Said R. Na'hman to him: "Did not R. Mari say, that the bodies of the righteous shall turn to dust?" and the corpse replied: "Who is this Mari? I know him not." But R. Na'hman persisted: "It is written: 'When the dust shall return to the earth, as it was.'" And the corpse retorted: "He who taught thee Ecclesiastes, did not teach thee Proverbs, where it is written [Ch. xiv. 30]: 'Jealousy is the rottenness of the bones'; and if thy teacher had explained this to thee, thou wouldst have known, that he who hath jealousy in his heart, his bones shall rot after death, but he who hath no jealousy in his heart, his bones shall not rot." Thereupon R. Na'hman felt the dead man's bones, and truly they were sound. So he said to him: "Let the Master arise and go home with me for a while." And the dead man answered: "By this remark thou hast proven to me that thou hast not even studied the prophets, for it is written [Ezekiel xxxvii. 13]: 'And ye shall know that I am the Lord, when I open your graves, and when I cause you to come up out of your graves' (for this would tell thee, that only the Lord can make me arise, and still thou askest me to go with thee)." "Yea," quoth R. Na'hman; "but there is another passage [Genesis iii. 19]: 'For dust thou art, and to dust thou shalt return.'" "This will, however, be only one hour before the final resurrection," answered the corpse.

A certain Sadducee said to R. Abuha: "Ye say that the souls of the righteous are deposited underneath the throne of honor. How, then, could the woman of the familiar spirit whom King Saul consulted,* bring up the soul of Samuel?" R. Abuha answered: "That happened during the first twelvemonth after the death of Samuel, as we have learned in a Boraitha, that during the first twelvemonth the souls of the deceased come up and down; but after that period the soul ascends to heaven and does not return."

Said R. Jehudah, the son of R. Samuel bar Shila, in the name of Rabh: "From the funeral sermon held over the remains of the deceased, it may be observed whether they will enter the

* See I Samuel xxviii.

kingdom of Heaven or not." (If the funeral sermon is in the form of a eulogy and the deceased was much beloved, it can be presumed that he will have a happy time in the beyond.) This is not so! For did not Rabh say to R. Samuel bar Shila: "See that thou makest my funeral oration exceeding touching, for I shall be there." R. Jehudah meant to say, that when the sermon is touching, and elicits a responsive chord in the breasts of the audience; for some orations may be made ever so touching, but if the deceased was not deserving, it will produce no effect whatever. Said Abayi to Rabba: "Thou, Master, who hast not a single friend in Pumbaditha, who will mourn thy death?" "Thou and Rabba bar R. Hana will suffice," answered Rabba.

R. A'ha asked Rabh: "Who is the man that will live in the world to come?" He answered by quoting the verse [Isaiah xxx. 21]: "And thy ears shall hear the word behind thee, saying, This is the way; walk ye in it, when ye turn to the right hand and when ye turn to the left." * R. Hanina said: "The man who gives satisfaction to our masters."

It is written [Ecclesiastes xii. 5]: "And the mourners go about the streets." The Galileans said: "Do such things as will be spoken of to thy credit in thy funeral sermon"; and the Judæans said: "Do such things as will be spoken of after thy burial." There is no difference in the two statements, for in Galilee the funeral sermon was held before burial, and in Judæa after burial.

We have learned (in the Mishna Abhoth): "One day before thy death, thou shalt repent of thy sins," said R. Eliezer; and his disciples asked him, "Can a man know on which day he will die?" and he answered: "For just that reason, he should repent to-day, lest he die to-morrow. Thus all his days will be spent in repentance. So also hath Solomon said in his wisdom [Ecclesiastes ix. 8]: 'At all times let thy garments be white, and let not oil be wanting on thy head.'" Commenting upon this, R. Johanan ben Zakkai said: "This is illustrated by a parable about a king who invited his retainers to a banquet, but did not state the time; the wise among them dressed and were ready, standing in front of the palace, for they said: 'In a king's house nothing is wanting. Perhaps the banquet takes place to-day.' The fools, however, went about their business,

* The significance of the verse is explained by Rashi as follows: When we hear of a man who has died, and we are told to walk in his ways and to do as he did, such a man will live in the world to come.

saying: 'Can a banquet be given without preparation?' Suddenly the king called in his retainers to the banquet. The wise went in becomingly attired, while the fools went in in their working clothes. The king was well pleased with the wise, and angry with the fools, and said: 'Those that are prepared and attired for the banquet shall sit down, eat, drink, and be merry; but those that are not, shall stand and look on, but shall receive nothing.'" Said the son-in-law of R. Meir, in the latter's name: Then it would appear as if those standing were waiting upon those who were sitting (and they would not be ashamed). They were also to sit down, but while the others ate they would be hungry, and while the others drank they would remain thirsty, as it is written [Isaiah lxv. 13 and 14]: "Therefore, thus hath said the Lord Eternal, Behold, my servants shall eat, but ye shall be hungry; behold, my servants shall drink, but ye shall be thirsty; behold, my servants shall rejoice, but ye shall be made ashamed; behold, my servants shall sing for joy of heart, but ye shall cry out from pain of heart, and from a broken spirit shall ye howl"; and on this account it is written: "At all times let thy garments be white," etc.

CHAPTER XXIV.

REGULATIONS CONCERNING A MAN WHO IS OVERTAKEN BY DUSK ON THE EVE OF SABBATH WHILE TRAVELLING, AND CONCERNING FEEDING OF CATTLE.

MISHNA: One who (on the eve of Sabbath) is overtaken by the dusk on the road must give his purse to a Gentile (while it is yet day). If there is no Gentile with him, he must put it on the ass. As soon as he arrives at the outmost court (dwelling of the first town or village he reaches), he must take off all such things as may be handled on the Sabbath; and as for the things which must not be handled he must loosen the cords, so that they fall off themselves.

GEMARA: Why was it allowed for a man to give his purse to the Gentile accompanying him [he (the Gentile) acts for him]? Because it was known to the rabbis that a man is anxious about his money, and if it were not allowed, he might carry it himself in public ground. Said Rabha: "He may do this with his own purse; but if he found something, he must not have it carried for him." Is this not self-evident? Did we not learn in the Mishna, "his purse"? We might assume that the same would apply to something found, and the Mishna says only "his purse," because that is the usual occurrence; hence Rabha teaches us as mentioned. Even in the case of something which was found, the prohibition applies only if the man had not yet had it in his hand; but if he had, it is regarded the same as his purse.

"*If there is no Gentile with him,*" etc. If there *is* a Gentile with him, he must give his purse to the Gentile. Why not put it on the ass in the first place? Because concerning the ass there is a commandment to let it rest, but no such commandment exists for a Gentile. How is the case if the man had accompanying him an ass, a deaf-mute,* an idiot, and a minor? To whom must he give his purse in that event? He must put it on

* A deaf-mute is exempt by law from keeping any commandments.

the ass. Why so? Because the deaf-mute and the minor are human beings, and he might by accident give it to an Israelite who was not a deaf-mute or a minor. How is it if he had with him a deaf-mute and an idiot only? He must give it to the idiot (because a deaf-mute has more sense than an idiot). How is it with an idiot and a minor? He must give it to the idiot. All this has been finally decided, but the question that presented itself to the schoolmen was, to whom the purse must be given if the man had with him a deaf-mute and a minor. Some say he should give it to the deaf-mute, and others, to the minor.

How is it if the man have nobody along, no Gentile, no ass, no deaf-mute, no idiot, and no minor? What should he do then? Said R. Itz'hak: "There was another mode of procedure, which the sages would not reveal." What was that? He should carry it less than four ells at a time (*i.e.*, carry it a little less than four ells and stop, then start and carry it on again for less than four ells, and so on). Why would the sages not reveal this? Because it is written [Proverbs xxv. 2]: "It is the honor of God to conceal a thing; but the honor of kings is to search out a matter." Where is the honor of God concerned in this matter? Perhaps the man will not stop, but go on and carry it over four ells.

We have learned in a Boraitha: R. Eliezer said: "On the day when the eighteen precautionary measures were instituted in the attic of Hananiah ben Hizkyah ben Garon (this measure concerning the purse of the traveller was also instituted, viz., that he should not carry it but give it to the Gentile), and the measure of laws was made heaping full." R. Jehoshua, however, says, that the measure was smoothened in too great a degree,* and we have learned that R. Eliezer meant to say what his simile illustrates; viz.: There was a basket filled with cucumbers and beets to the brim; and if a man put in mustard-seed, there is an addition, without, however, forcing out anything else. Thus the measure was full, but not overflowing. R. Jehoshua, however, compares it as follows: There was a tub filled with honey, and nuts were thrown into it, in consequence of which the honey overflowed and some was spilled. (This means, that by the institution of those precautionary measures the Mosaic laws were undermined.)

The Master said: "If there was no Gentile with him, he

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* See Appendix.

should put it on the ass?" How is it that he may do this? If he put it on the ass, he will be compelled to drive the ass, and surely this is also labor, which is prohibited on the Sabbath, as it is written [Exod. xx. 10]: "On it thou shalt not do any work." Said R. Ada bar Abha: The man must put the purse on the ass, while the latter is walking along; in that case, no transfer from one fixed point takes place (because while both are walking it cannot be said that the purse is resting in one particular place). It is, however, impossible that the ass should not rest at some place for a little while? When the ass rests, the man removes the purse; and when it commences to walk again, he puts it back. If that is so, it would be the same if he would transfer his purse to a fellow-Israelite while walking, and he would never be guilty of the act of transferring from one (fixed) place and depositing in another? Said R. Papa: An act which, if committed by one man unassisted, would make him liable for a sin-offering (*e.g.*, if he, while running or walking, should pick up something off the ground even without stopping, he would become liable for a sin-offering), he must not commit *with* the assistance of a companion; but if he did so, he is not liable for a sin-offering (*e.g.*, if he picked up a thing and placed it on his companion while the latter was walking, in that event neither is culpable, for the one did not deposit it in a fixed place, and the other did not remove it from a fixed place). Such acts, however, as must not be committed with the aid of a companion may be done with the assistance of an ass in the first place.

R. Ada bar Abha said again: "If a man has a bundle on his shoulders before dusk on the Sabbath while on the road, he may run with the burden until he reaches home, but he must not walk his usual gait." Why so? Because, if he walks in the usual manner, he might stop (and by stopping carry out the prohibited transfer from one fixed point and depositing in another). When he reaches home, however, he must stop for some time, and thus he would bring a thing from public ground into private ground? The remedy for this is, to throw the bundle from his shoulders backwards, and not in the usual manner.

Rabha the brother of R. Mari bar Rachel taught the following decree in the name of R. Johanan: "One who drives cattle on the Sabbath (even if they are burdened) is free." Why so? If he did so unintentionally, he cannot be liable for a sin-offering, because Sabbath laws are identical with those of idolatry. In like manner, as a man cannot be guilty of idolatry unless he

worship with his own body, so it is with the Sabbatical law. If he perform labor through the medium of his cattle, without doing any himself, he cannot be guilty. Even if he did it intentionally, he is also not guilty. Why so? Because we have learned in a Mishna (Tract Sanhedrin): "Among those who are subject to capital punishment (by stoning) is he who violates the Sabbath by an act which, if done intentionally, carries with it such punishment (stoning), and which, if done unintentionally, makes one liable for a sin-offering." Hence, if the unintentional performance of such an act does not carry with it liability to bring a sin-offering, its intentional performance cannot carry with it the punishment of stoning, nor the punishment of stripes; because, where the penalty for the violation of a negative commandment is death, stripes cannot be inflicted; and even according to the Tana who holds that stripes can be inflicted for such violation, in this case it could not be done, because, were the verse to be read, "Thou shalt not do any labor, nor thy cattle," it would be right; but the verse distinctly says, "Thou shalt not do any labor, neither thou, etc., nor thy cattle." Hence, when the work was not done jointly by the man and his cattle, he cannot be punished in any manner for a violation of the Sabbath.

"*As soon as he arrives at the outmost court,*" etc. Said R. Huna: "If the ass was laden with glassware, he may bring cushions and place them on the ground, so that when he loosens the cords the glassware may fall on the cushions and escape being broken." We have learned, however, that such vessels as may be handled on the Sabbath may be removed from the ass; and why may not the glassware be handled? R. Huna refers to glassware which belongs to a surgeon, and being dirty (bloody) is unfit for use in a household. In that case, then, the man would render the cushions which he places on the ground to receive the falling glassware unfit for their proper use, and this is prohibited on the Sabbath? The cushions are only to be used in order to break the fall of the glassware, and after the glassware rolls off on to the ground, the cushions can be used as before.

We have learned in a Boraitha: R. Simeon ben Jochai said: "If a sheaf of grain (the tithes of which had not yet been separated) is on the back of the ass, the man may push it off with his head, so that it fall to the ground." The ass of R. Gamaliel was once laden with honey, and, the Sabbath having set in, R. Gamaliel would not allow the ass to be unloaded until the Sab-

bath was over. This proved too much for the animal and it dropped dead.

We have learned in the Mishna, that such things as may be handled on Sabbath *may* be removed from the animal; why was not the honey removed? The honey had become spoiled. If the honey was spoiled, why was it brought? It was intended to be used for the bruises on camels. Then the cords should have been loosened and the honey allowed to fall off? The honey was in (inflated) skins, and would have burst if allowed to fall. Then cushions should have been placed on the ground to receive them? The cushions would have become soiled, and thus rendered unfit for use. Pity should have been taken on the animal, and it should not have been allowed to stand laden all day? Pity for animals is only a rabbinical institution according to R. Gamaliel, and thus he could not observe it lest he violate the Sabbath.

Abayi once saw Rabba playing with his little son, and setting him on the back of an ass, so he said to him: "Why! Does Master use an animal on Sabbath!" and Rabba answered: "This cannot be called using an animal in the regular manner, but just incidental use, and that was not prohibited by the rabbis."

Abayi objected: "Have we not learned that if two walls of a booth (to be used on the Feast of Tabernacles) were made by hand, and the third wall was already made by a tree, the booth might be used for ritual purposes; but it is not allowed to ascend to the roof of the booth on a festival, because the tree serves as a support to the roof, and by ascending the roof the tree would be used, which is prohibited? Hence we see that, although that would be incidental and not direct use, still it is prohibited?" Rabba answered: "In the case cited by thee, a tree is referred to, the branches of which were also part of the roof." The Mishna seems to have this meaning attributed to it by Rabba, for in a later clause it is stated, that should the tree (which partly supports the booth) be removed, and the booth can stand by itself, one may ascend it; hence the tree is regarded as an independent wall.

MISHNA: One may untie bundles of straw for cattle, also strew stalks for them, but one must not undo tied bundles of Zirin.* Herbs used as fodder, and carob-pods, must not be cut

* This term will be explained in the Gemara farther on.

up for cattle, large or small. R. Jehudah permits the cutting up of carob-pods for small cattle.

GEMARA: Said R. Huna: "There is no difference between bundles of straw and stalks, except that the former are tied twice while the latter are trebly tied, and by Zirin is meant the young branches of a cedar-tree (which when young are still tender and are eaten by cattle); and the Mishna should be explained thus: One may untie bundles of straw for cattle, and also strew them, and the same may be done with stalks, but not with Zirin; the latter must neither be untied nor strewn." Said R. Hisda: "What reason has R. Huna for explaining the Mishna in this manner? He means to say, that on account of such things as are already proper fodder for cattle one may trouble himself on Sabbath, but on account of such as must first be prepared as fodder, one should not trouble himself." R. Jehudah, however, says, that bundles of straw and Zirin are identical, except that the former were tied twice and the latter trebly, but stalks signify cedar boughs; and he explains the Mishna thus: "We may untie bundles of straw for cattle, but not strew them; stalks may also be strewn; the Zirin, however, may be untied, but not strewn." Said Rabha: "What is the reason for R. Jehudah's explanation? He holds, that we may prepare things for the use of cattle, but we must not trouble ourselves on account of such things as are already fit fodder for cattle."

An objection was made to the foregoing (based on the latter clause of the Mishna): "Herbs used for fodder and carob-pods must not be cut up for cattle." As herbs are mentioned in conjunction with carob-pods, we must assume, that as the herbs were soft, so were also the carob-pods; and, it being prohibited to cut them up, we see that with such things as are already proper fodder we must not trouble ourselves, and this is contrary to the dictum of R. Huna? R. Huna might say to the contrary, that as the carob-pods are hard, so also are the herbs. Where do we find that herbs should be cut up for cattle, they generally eat them as they are? This refers to young calves and mule-colts.

(Another objection was raised.) Come and hear: One may cut up pumpkins for cattle and carrion for dogs. Then we may say, that as carrion is soft, so also are the pumpkins; and hence we see, that we may trouble ourselves even with such articles as are already fit fodder for cattle, and this is contradictory to R. Jehudah's opinion? R. Jehudah might say to the contrary, that as the pumpkins were hard, so was also the carrion. How

can that be? Supposing it was the carcass of an elephant, or the dogs were young and could not eat carrion without having it cut up for them.

MISHNA: A camel must not be crammed (to fatten it), nor may it be forced to eat: but the food may be put into its mouth. Calves must not be crammed, but the food may be put into their mouths. Poultry may be fed and crammed; water may be poured on bran, but the bran must not be kneaded. One must not put water before bees, or before doves in a dove-cot; but one may put it before geese, before poultry, and before house-pigeons.

GEMARA: What is meant by "must not be crammed"? Said R. Jehudah: "By that is meant, that the stomach of the camel should not be turned into a feed-bag." Can such a thing be done? Said R. Jeremiah of Diphti: "Yea; I saw with my own eyes, that an itinerant merchant fed his camel a measure of grain, and when it had consumed that, he forced another measure down its throat."

"*Calves must not be crammed, but the food may be put into their mouths,*" etc. What is the difference between cramming and putting food into the calf's mouth? R. Jehudah said, that cramming is accomplished when the food is stuffed down into the calf's mouth so that it cannot eject it, and putting food into its mouth is merely as is implied by the term; and R. Hisda said, that in both cases the food is forced down so far that the calf cannot eject it; but in cramming, some instrument is used, and the other is done by hand.

R. Joseph objected: We have learned in a Boraitha, that poultry may be crammed, and so much the more food may be given to the poultry a little at a time. The contrary is the case with doves. Food must not be given them even a little at a time, and much less may they be crammed. Now what is the difference between cramming and forcing them to eat a little at a time? Shall we assume that by cramming is meant, forcing the food down by hand, and by giving them food a little at a time is meant, throwing it to them? If so, why should doves not be fed in that manner? Is it then prohibited to throw them food? We must therefore say, that in both cases the food is given by hand, but in cramming the food is forced down so that it cannot be ejected, while in the other case it can be ejected. If this applies to poultry, then we must certainly assume that, as for calves, cramming is done by forcing the food down with an in-

strument, and this would be contradictory to R. Jehudah? R. Jehudah might say, that by feeding poultry is meant, throwing food to them; and the reason that one must not feed doves is because they do not belong to him, whereas poultry belongs to him and must be fed by him, as we have learned in a Boraitha, that one may give food to a dog but not to a pig; and the reason is, that a man is in duty bound to feed his dog, but a pig that he does not own he need not feed. Said R. Ashi: "This we also learn from our Mishna: 'One must not put it before bees, or before doves in a dove-cot; but we may put it before geese, poultry, and house-pigeons.'" We must assume the reason of the Mishna to be because one is not obliged to take care of the bees and doves, but must take care of those which he owns. According to this, then, why is water only spoken of, why not wheat or barley? We must say that water is easily obtainable, and hence there is no necessity to trouble one's self on that account.

R. Jonah taught at the door of Nassi: It is written [Proverbs xxix. 7]: "The righteous considereth the cause of the indigent." The righteous, synonymous with the Holy One, blessed be He, knoweth that a dog hath not much food, and hath thus ordained, that the food in his stomach remains undigested for three days, as we have learned in a Mishna: How long must the food (carrion) remain in the stomach, that it may still be considered unclean? In the stomach of a dog three days, but in the stomach of a bird or a fish only as long as it would take it to burn up if thrown into the fire.

Said R. Hamnuna: "From what was said above, it may be implied that one may throw food before a dog." How much? Said R. Mari: "A small piece, and the dog should immediately be driven off." This refers to a dog in the field, but within the city a strange dog should not be fed at all, lest he run after the man; however, a dog belonging to him may be fed.

Said R. Papa: "There is nothing poorer than a dog, and nothing richer than a pig (meaning that a dog is very fastidious about food, while a pig will eat anything)."

We have learned in a Boraitha, in support of the dictum of R. Jehudah: What is the difference between cramming and putting food into the mouth of a calf? Cramming is accomplished by laying the calf down, forcing open its mouth, and stuffing it with soaked grain; and putting food into its mouth is merely feeding and watering it separately, while the calf is standing.

"*Poultry may be fed and crammed,*" etc. Said Abayi: "I asked my master, with whose opinion was the Mishna in conformity, and he told me with that of R. Jose bar Jehudah, as we have learned: Water must not be poured on bran, said Rabbi, but R. Jose bar Jehudah said that it may be done."

The rabbis taught: "When water is poured on parched corn the corn must not be kneaded on Sabbath, but others say that it may be kneaded." Who is meant by "others"? Said R. Hisda: "R. Jose bar Jehudah." Such is the case, however, only when it is done differently than on a week-day. How can it be done differently? By kneading a little at a time and not in a lump. All agree, however, that Shthitha* may be kneaded on the Sabbath, and that Egyptian beer may be drunk. Was it not said, that kneading was not allowed on Sabbath? This presents no difficulty. Fine corn may be kneaded, but coarse must not; and even then it must be kneaded differently than on a week-day. How can this be done? On week-days the vinegar is first put in and then the Shthitha, and on Sabbath the latter should be put in first.

Levi the son of R. Huna bar Hyya once found the herder of his father's cattle pouring water on bran and giving it to the cattle. He scolded him. Afterwards R. Huna met his son, and said to him: Thus said the father of thy mother in the name of Rabh (meaning R. Jeremiah bar Aba): "It is allowed to pour water on bran but not to put the mixed bran into the mouth of the cattle (but young cattle, that cannot eat themselves, may be fed by hand)." And this may be done, providing it is done differently than on a week-day. How should that be done? The bran should only be stirred once lengthwise and once crosswise. It will not mix well, however, in this manner. Said R. Jehudah: "Then it should be poured into another vessel."

We found in the diary of Zera: "I asked of my Master R. Hyya, whether kneading was permitted on the Sabbath, and he said, 'No.' I asked him whether transferring from one vessel to another was permitted, and he said it was." Said R. Menasseh: "It is allowed to give one animal a measure of grain, and two measures for two animals, but one must not give three measures for two animals." R. Joseph, however, said that a whole Kabh, or even two Kabhs, may be given for one or two or three animals, and Ula said that even a Kur or more may be given.

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* Shthitha is the name of a dish prepared from parched corn.

It was written in the diary of Levi: "I related in the presence of my master, who was Rabbi the Holy (Jehudah Hanassi), that in Babylon they were kneading Shthitha on Sabbath and Rabbi protested against it; but no one paid attention to it, and he had no power to prohibit it, because R. Jose bar Jehudah once permitted it (as mentioned previously)."

It was written in the diary of R. Jehoshua ben Levi: "One who is born on the first day of the week will be a man, and not one thing will be in him." What does that mean? That there will not be any one good thing in him? Did not R. Assi say that he was born on the first day of the week? Shall we say, that not one bad thing will be in him? R. Assi said: "I and Dimi bar Kakusta were both born on the first day of the week, and, behold! I am a prince and he is a leader of robbers!" What, then, is meant by "not one thing will be in him"? This means, that he will be either wholly bad or wholly good. "A man who was born on the second day of the week will be a man of violent passion." Why so? Because on the second day the water was separated. "A man born on the third day will be rich and lascivious." Why so? Because grass was created on the third day. "A man born on the fourth day will be wise and have a good memory." Why so? Because on the fourth day the lights were created. "A man born on the fifth day will be a charitable man." Why so? Because on that day the fishes and fowls were created. "A man born on the sixth day will be a very devout man." [R. Na'hman bar Itz'hak said: "He will be zealous in the fulfilment of commandments."] "A man born on the Sabbath will also die on the Sabbath, because on his account the great day of Sabbath was violated." Said Rabba bar R. Shila: "He will, however, be called a great and pious man."

Said R. Hanina to the men who related what was written in the diary above: "Go and tell the son of Levi, that the fortune of a man does not depend upon the day, but upon the hour he was born in. One who is born in the hour of sunrise will be a bright man; he will eat and drink of his own, but he will not be able to keep secrets and will not be successful in stealing. One who is born under Venus will be a rich man, but will be lascivious, because fire is generated under Venus. One who is born under Mercury will be bright and wise, because that star is the scribe of the Sun. One who is born under the Moon will be sickly or troubled. He will build and demolish, will not eat and

drink his own, but will keep secrets, and will be successful in stealing. One who is born under Saturn will have all his thoughts and aims come to naught; and others say, to the contrary, all aims against him will come to naught. One who is born under Jupiter will be a righteous man, and R. Na'hman bar Itz'hak said he will be very devout. One who is born under Mars will be a man who will shed blood. He will either be a surgeon or a robber, a butcher or a circumciser, said R. Ashi. Rabba said that he was born under Mars. Said Abayi to him: "Thou, Master, reprovest men, and whom thou reprovest, he dieth; hence thou, also, sheddest blood."

It was taught: R. Hanina said: "One who is born under a lucky star may be either rich or wise, and the same thing applies to Israelites also." R. Johanan said: "An Israelite does not come under this fate"; and R. Johanan says this in accordance with his dictum elsewhere; viz.: Whence do we know that the Israelites are not subject to fate? Because it is written [Jeremiah x. 2]: "Thus hath said the Lord, Do not habituate yourselves in the way of the nations, and at the signs of the heavens be ye not dismayed, although the nations should be dismayed at them." So the nations may be dismayed at the signs of the heavens, but not the Israelites; and Rabh holds likewise, that the Israelites are not subject to fate. R. Jehudah said in the name of Rabh: Whence do we know that the Israelites are not subject to fate? Because it is written [Genesis xv. 5]: "And he brought him forth abroad." Abraham said before the Holy One, blessed be He: "Creator of the Universe, lo, one born in my house will be my heir"; and the Lord answered: "He that shall come forth out of thy own bowels shall be thy heir" [Gen. xv. 4]. And Abraham said again: "Creator of the Universe! I have consulted my horoscope, and have found that I am not capable of having a son"; so the Lord said to him: "Away with thy horoscope! An Israelite hath no fate!"

Of Samuel it is also known, that he thought the Israelites had no destiny, for Samuel and Ablat were once sitting together, and some men went past a meadow. Ablat (who was an astrologer) said to Samuel, pointing to one of the men: "That man will not return. A snake will bite him and he will die." Said Samuel: "If he is an Israelite, he will come back." While they were talking, the man came back; so Ablat arose and examined him, and he found a snake cut in two on the man's clothes.

Said Samuel to the man: "What didst thou do to-day, that thou hast escaped death?" The man answered: "It is our custom, when going out with a party of men, that we all contribute our share of victuals, and then have our meal in common. I knew that one of our party had no (bread) victuals, and not wishing to make him ashamed, I secured the basket to gather the food; and when coming up to him I pretended to put in his share, but in reality put in mine, and thus he was not ashamed." "Then thou hast committed an act of charity," said Samuel; and when he went out he preached that charity may be the cause of saving a man's life, and not only from a violent death, but also from death which otherwise would have overtaken a man naturally.

Of R. Aqiba it is also known, that he did not believe the Israelites to be subject to fate, for R. Aqiba had a daughter, and the soothsayers predicted that on the day on which she should enter the garden a snake would bite her and she would die. He was very much troubled on that account. One day his daughter took off her headdress in the garden, and the needle protruding from it stuck on the side of the fence where a snake happened to be, and piercing the eye of the snake, the latter was killed. When R. Aqiba's daughter went back to the house the snake dragged after her. Asked R. Aqiba: "What didst thou do to-day, to escape death?" and she answered: "At dawn a man came to the door begging bread. Everybody, however, was at the table, and no one heard him but myself. I took my own meal, that thou gavest me, and gave it to him." Said R. Aqiba: "Thou didst an act of charity, and this saved thee from death." He then went forth and preached, that charity may be the cause of saving a man's life, and not only from a violent death, but also from one that was to have come naturally.

R. Na'hman bar Itz'hak is also known to discountenance the theory of the Israelites being subject to fate; for the mother of R. Na'hman was told by astrologers that her son would turn out to be a thief, so she would not let him go out bare-headed, saying: "Always keep thy head covered, that thou mayest fear the Lord, and pray to Him for mercy"; and he did not know why she always told him this. One day he sat underneath a tree studying, when his head-wear fell off, and looking up, he saw the tree filled with delicious dates. He was very much tempted to take some of the fruit, although the tree did not belong to him, and accordingly climbed the tree, and bit off a branch with his teeth.

MISHNA: Pumpkins may be cut up for cattle, and carrion for dogs. R. Jehudah saith: "If the carrion was not yet carrion (if the beast had not yet died) before the Sabbath, it must not be cut up; because, in that case, it is not part of what had been provided (for consumption on Sabbath)."

GEMARA: It was taught: Ula said, the Halakha prevails according to R. Jehudah, and of Rabh it is also known that he agrees with R. Jehudah, as may be seen from his decree concerning covers of a vessel (on page 29). Levi also admits, that the Halakha prevails according to R. Jehudah; for when a carcass was brought to him for decision as to its fitness for use, or unfitness, on a festival, he would not inspect it unless it had lain in the dirt; because, should he hold it to be fit, it would forthwith become carrion and not even be fit for dogs, by reason of its turning into carrion on the festival (and thus not having been provided on the day before for consumption on the festival).

Samuel, however, said, that the Halakha prevails according to R. Simeon, as also does Zera, because a Mishna elsewhere, which teaches, that if an animal died (on Sabbath or on a festival) it must not be removed, was explained by Zera to refer only to such an animal as was designated for a sacrifice and which must not be made use of at all; but any ordinary carcass may be removed. R. Johanan also said, that the Halakha according to R. Simeon prevails.

Is it possible that R. Johanan said this? Have we not learned that R. Johanan always holds Halakhas to be in accordance with the abstract decrees of the Mishna, and in another Mishna we have learned that the wood of a beam that had been broken on a festival must not be used on the festival? R. Johanan claims, that the Mishna above was taught in the name of R. Jose bar Jehudah.

Come and hear (another objection): "It is permitted to commence taking from a heap of straw on a festival for use as fuel, but not from wood designated for another purpose." This is also taught abstractly (and is certainly contrary to the opinion of R. Simeon). This above teaching refers to cedar beams intended for building purposes, and being very expensive should not be used as fuel, even according to R. Simeon.

Come and hear (another objection based upon another abstract Mishna): "It is not permitted to water or to slaughter animals living in their wild natural state, but it is allowed as regards domestic animals." (This is also contrary to R. Simeon?)

R. Johanan, however, found an abstract Mishna that was in accord with R. Simeon; viz.: That Mishna concerning bones and husks which may be removed from the table (page 326), and R. Johanan holds as R. Na'hman (did later), that all decisions rendered by the school of Shamai are in accordance with the opinion of R. Jehudah, while those rendered by the school of Hillel agree with those of R. Simeon.

It is related of R. A'ha and Rabhina, that one said that all laws pertaining to Sabbath remain as decreed by R. Simeon, with the exception of one thing, that had been set aside on account of causing disgust, namely, an old candlestick that had become soiled with the dripping tallow; and the other said, that even in this instance the Halakha prevails according to R. Simeon, but the one thing that does not remain as decreed by R. Simeon is the case of a candlestick which had been used on the same Sabbath. (Both admit, however,) that as for the theory of designation where expensive articles are concerned, R. Simeon accepts it in that case, and declares, that they may not be used on Sabbath, as we have learned in a Mishna (page 268) concerning the large wood-saw and the ploughshare, which, according to R. Simeon, also must not be handled, because they are expensive (and being used only by mechanics should not be handled by others).

MISHNA: A man may annul vows (of his wife or daughter) * on the Sabbath, and consult (a sage) as to vows (relating to objects) required for the Sabbath. Window-light may be shut out by blinds; a piece of stuff may be measured, and also a Mikvah (plunge-bath), to ascertain whether it be of legal size. It happened in the days of R. Zadock's father, and in the days of Abba Saul ben Botnith, that they closed a window with an earthen jar, and then tied another vessel to a pole with papyrus, in order to ascertain whether, in a covered vessel, there was an opening one span high or not. From them we learn, that (in certain cases) it may be permitted to close, to measure, and to tie on the Sabbath.

GEMARA: The schoolmen propounded a question: Does the term, "required for the Sabbath," in connection with vows, apply to both clauses of that sentence; and if it does not, neither may be done on the Sabbath, whence we shall learn, that the time in which a man may annul the vow of his wife

* See Numbers xxx. 2.

or daughter does not expire with the day, but continues for twenty-four hours; because, if the vows do not relate to the Sabbath and neither of the above two clauses may be executed, the man can annul the vow at night after the Sabbath; or shall we say that the term, "required for the Sabbath," applies only to the latter clause, that of consulting as to vows, and not to the first clause, that of annulling the vow, which would establish the fact that the time for annulment expires with the day and does not continue for twenty-four hours? Come and hear: R. Zoti, one of the disciples of R. Papi, taught, that only such vows as relate to the Sabbath may be annulled on the Sabbath; thence we may learn, that the time for annulment of vows does not expire for twenty-four hours? Said R. Ashi: "Did we not learn (in a Mishna of Tract Nedarim), that the time for annulment of vows continues for one day only?" Concerning this, there is a difference of opinion among the Tanaim (as will be explained in Tract Nedarim).

"*And consult as to vows,*" etc. The schoolmen propounded a question: "Does this mean to say, that the man had not time before Sabbath (*i.e.*, that he made the vow on the Sabbath), or even if he had time before Sabbath, but wishes to be released from his vow at once?" Come and hear: The rabbis complied with the wish of R. Zutra the son of R. Zera, and released him from his vow on a Sabbath, although he had plenty of time to have this done before Sabbath.*

R. Jose wished to state, that, as to vows, a man may consult on Sabbath only a man who is a competent authority (Chacham), but he must not consult three ordinary men, because that would appear as a judgment on business affairs. Abayi said to him: "Whereas three men may be consulted standing, or even if they are of kin, or even at night, it will not appear as an ordinary judgment."

When a man wishes to annul the vow of his wife on the Sabbath, he must not say to her, as on a week-day: "Thy vow is annulled," or, "I release thee from thy vow"; but merely: "Go and eat," or, "Go and drink," and this releases her from her vow. Said R. Johanan: "The man must, however, think at the time that he is annulling her vow."

We have learned in a Boraitha: The school of Shamai said:

* All this is originally part of Tract Nedarim. We have in consequence omitted it, but a part of that passage being necessary for the elucidation of the above text, we have incorporated it in the Tract Sabbath.

"On Sabbath a man must annul the vow in his mind only, but on a week-day he must proclaim it by word of mouth." The school of Hillel said, however, that be it Sabbath or a week-day, it is sufficient if the man annul the vow in his mind without proclaiming it.

"*They closed a window with an earthen jar,*" etc. Said R. Jehudah in the name of Rabh: "There was a small bridge between two houses, and underneath the bridge lay a part of a corpse, and a cracked tub stood on top of the two houses; but it was not known whether the crack in the tub was large enough to admit of the penetration of the uncleanness arising from the corpse. So, first of all, all holes which were in the walls of the two houses were stopped up with towels; then another vessel (a small jar) was tied with papyrus to a pole and laid on the tub, in order to see whether the crack was one span deep or not." *

"*From them we learn that* (*in certain cases*) *one may close, measure,*" etc. Ula once came into the house of the Exilarch on Sabbath, and saw Rabba bar R. Huna sitting in a tub of water and measuring it. Said Ula to him: "The rabbis only permitted the measuring of a plunge-bath for ritual purposes; but did they permit it to be done for no purpose?" Rabba bar R. Huna answered: "I am doing this merely to while away the time (I have nothing else to do, and must not think of the Law while bathing, so it makes no difference)."

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* This explanation is taken from Rashi. The other commentary by Tosphath differs with Rashi, but the explanation is even more complicated than the above. Hence we have chosen the former.

END OF TRACT SABBATH.

THE PRAYER AT THE CONCLUSION OF A TRACT.

Abayi said: "May it be reckoned to me (for my reward in the world to come), that whenever I noticed a young scholar (of my college) had finished a tract of the Talmud, I gave a feast to all the sages of the day." (Pages 250 and 251 of this tract.)

[Bearing the above motto in mind and as a matter of peculiar interest, we shall translate below the laudatory prayer published in every edition of the ancient Talmud at the conclusion of each tract, and in justification of this our digression from the actual text would state the following:

With all pious Israelites who were exclusively engaged in the study of the Talmud, and even with those who made it an incidental feature of their lives, it has since time immemorial been the custom to celebrate as a happy event the completion of the study of each tract. So marked was the degree of gratification at this frequent occurrence, that it became customary for the first-born sons in Israel, who in commemoration of one of the plagues sent by the Lord upon the Egyptians were in the habit of fasting on the eve of Passover, to complete the study of a tract of the Talmud on that day, and, thanks to the feast given in honor of the occasion, escape the rather onerous duty of fasting; and even in the nine days of penance occurring before the Fast of the Ninth of Abh, when the Temple was destroyed, when meat was not to be eaten and wine was not to be drunk, the same subterfuge would be resorted to, in order that a feast might be given and thus break the fast of the nine days. Apart from this, the prayer is rich in sentiment, and deserves to be rendered at the end of this volume once for all.]

We shall return to thee, Tract Sabbath,* and mayest thou return to us! We shall bear thee in mind, Tract Sabbath, and mayest thou bear us in mind! May we not be forgotten by thee, Tract Sabbath! and thou shalt not be forgotten by us on this earth nor in the world to come!

[This is to be repeated three times, when the following is to be recited:]

May it be Thy will, O Lord, our God and God of our fathers, that Thy Law may be our pursuit in this world and in the world to come! May there be together with us, in the world to come, Haninah bar Papa, Rami bar Papa, Na'hman bar Papa, Ahayi bar Papa, Abba Mari bar Papa, Raphram bar Papa, Rakhesh bar Papa, Sur'hab bar Papa, Ada bar Papa, and Doro bar Papa.†

* At the conclusion of another tract, name it instead of Tract Sabbath.

† At the close of a learned work, entitled "Answers and Questions," by Rabbi Moses Iserles, and also in the work entitled "Sea of Solomon," by Solomon Lurie, Tract Baba Kamah, may be found the reasons why the above ten names must be mentioned in the prayer.

Make sweet, O Lord, our God, the words of Thy Law in our mouths, and in the mouth of Thy people the house of Israel; and may we, our children, and the children of Thy people the house of Israel, all know Thy Name and learn Thy Law.

Wiser than my enemy doth Thy commandment make me; for it is perpetually with me. Let my heart be entire in the statutes, that I may not be put to shame. Never will I forget Thy precepts; for with them Thou hast kept me alive. Blessed art Thou, O Lord! teach me Thy statutes. Amen, Amen, Amen. Selah, Vaed (Forever)!

We thank Thee, O Lord, our God and God of our fathers, that thou hast cast our lot amongst those that dwell in the houses of learning, and not amongst the occupants of the markets. For we arise early, and they arise early. We arise to the words of Law, and they arise to words of vanity. We strive, and they strive. We strive and receive our reward, while they strive in vain. We run, and they run. We run towards everlasting life, and they run towards death, as it is written: "But Thou, O God! Thou wilt bring them down into the pit of destruction; let not the men of blood and deceit live out half their days; but I will indeed trust in Thee!"

May it be Thy will, O Lord my God, that as Thou hast assisted me in the conclusion of Tract Sabbath, so mayest Thou assist me in the commencement of other tracts and books of Law, and in their conclusion: that I may live to learn and teach, to observe and to do and to keep all the words of the teachings of Thy Law with affection. And may the merits of all the Tanaim and Amoraim and other scholars uphold me and my children, in order that the Law may not escape from my mouth, from the mouths of my children and children's children forever, and may it be verified in me (all that is written): "When thou walkest, it shall lead thee; when thou liest down, it shall watch over thee; and when thou art awake, it shall converse with thee. For through me shall thy days be multiplied and the years of thy life shall be increased unto thee. Length of days are in her right hand, in her left are riches and honor. The Lord shall give strength unto His people; the Lord will bless His people with peace."

[Revised July 22, 1896, and found all correct.—ISAAC M. WISE.]

APPENDIX.

PAGE 24 of Volume I. of this tract contains a Mishna commencing with the statement: "And these are some of the regulations enacted in the attic of Hananiah ben Hizkyah ben Garon," and concluding, "they enforced eighteen regulations on that day." At the same time, the Mishna fails to enumerate in the place mentioned, or elsewhere, these eighteen regulations. The Gemara, however, conjectures upon their character and cites them in a scattered and incoherent manner. As a matter of course, this is not done without the adduction of numerous and varied opinions; but the conclusion is, that the eighteen regulations are those which we shall enumerate farther on.

In another section of the Gemara it is related, that three hundred jars of wine and a like number of jars of oil were taken up into that attic in order to afford the sages no opportunity to leave their places until their deliberations concerning the regulations were finally concluded.

Among these regulations there are, however, only two or three concerning Sabbath, the rest being dispersed throughout the Talmud in their proper departments and merely mentioned as regulations enacted during that session, but they are not enumerated in regular order either of sequence or time of enactment. Hence we, in consistency with our method of translation—viz., to place everything in its proper department—have omitted in this tract the enumeration of these regulations, together with the diverse opinions concerning the reasons for their institution, which reasons as cited by the Gemara are very abstruse and for the most part untenable.

In the last chapter of this tract, however, mention is again made of the eighteen regulations, and it is declared, that their measure was made "heaping full," while elsewhere in the Gemara the assertion is made, that the day on which they were enacted was as grave in its consequences for Israel as the day on which the golden calf was made. It is these two statements that have impelled us at the last moment to embody these eigh-

teen regulations in an appendix at the end of this volume, and state as best we can, after careful study and consideration of the subject, the most potent reasons for their enactment.

With this purpose in view, we shall divide the eighteen regulations into five classes, as follows: Those pertaining to Therumah (heave-offerings), Tumah (uncleanness), Chithon (mingling with other nations), Mikvah (legal bath), and Sabbath.

Therumah is rendered useless when brought into contact with any one of the following ten subjects: First: With a man who eats a thing that had been contaminated by a parent of uncleanness* and had thus become unclean in the first degree. Second: With a man who had eaten a thing unclean in the second degree (*i.e.*, had been touched by a thing unclean in the first degree). Third: With a man who had drunk unclean beverages. Fourth: With a man who had bathed his head and the larger portion of his body in water that had been pumped up (drawn or scooped), and not in a legal bath. Fifth: With a clean person (*i.e.*, one who had already taken a legal bath, but was subsequently drenched with three lugs of drawn water). Sixth: With the sacred scrolls of the Holy Writ, either in part or in its entire form.† Seventh: With hands of which one was not quite certain that they had been kept clean the whole day. Eighth: With one who had taken a legal bath, if the Therumah was touched before sunset. Ninth: With eatables and utensils which had become unclean through beverages (as will be explained in Tract Yodaim). When brought in contact with any one of these nine subjects, Therumah is rendered useless. Tenth: The crop raised from Therumah (seed) is of the same character as the seed; if the latter was clean when planted the crop is clean, but if the seed was unclean the crop is the same. Nevertheless, it is still considered Therumah, and subject to the

* By a "parent of uncleanness" is meant any object that had come in direct contact with a corpse. See explanation in Tract Shekalim.

† Why contact with the Holy Writ should render Therumah unclean can in our opinion be explained only as follows: When the priests came to demand their share of the Therumah, it is highly probable that they did this with a correspondingly impressive ceremony and read the part of the Law referring to the Therumah before the donors. If such was really the case, they no doubt carried the scrolls with them wherever they went, and in consequence the regulation was enacted which rendered the Therumah unclean when brought into contact with the scrolls or book containing the Holy Writ. Our basis for this assertion is the ordinance to be found in Tract Yodaim, which proclaims that the scrolls or books containing the Holy Writ render hands unclean when coming in contact with them, and doubtless the hands of the priests, which were afterwards to handle Therumah, are meant.

laws of Therumah. Thus we have ten regulations concerning Therumah.

Concerning uncleanness, there were four regulations enacted: First: All movable things bring uncleanness on a man by means of a tent, not larger even than a span, covering a corpse, even if the space between the corpse and the tent was but an awl's width. (For explanation, see Tract Ahaloth.) Second: The daughters of the Samaritans are considered unclean (as women suffering from their menstruation) from the day of their birth. Third: A child of a heathen is considered unclean, because it is considered as one afflicted with venereal disease. Fourth: One who presses grapes or olives renders the vessels used to receive the must or the oil susceptible to uncleanness. (This is explained in detail in Tract Kelim.)

Concerning Chithon, but one regulation was enacted, covering four subjects: It was prohibited to partake of the bread, oil, or wine of other nations in order to prevent intermarriage with their daughters.

Concerning Mikvah, one regulation only was enacted; viz.: If the water running out of a rain-gutter flow directly into a Mikvah, the Mikvah is not invalidated; but if the water was intercepted by a vessel from which it flowed into the Mikvah, the latter becomes invalid; or even if three lugs of drawn water were poured into the Mikvah, they render it useless (see Tract Mikvaoth).

Concerning Sabbath, two regulations were enacted: First: One shall not search for vermin or read before lamplight (on Friday night).* Second: One who was overtaken by dusk on the Sabbath eve while on the road must give his purse to a Gentile.

The learned reader who is not familiar with the intricate teachings of the Talmud, and even the student of the Talmud who has delved in its labyrinths of lore for the sake of probing into the ordinances and discussions contained in its volumes, will be quite amazed at the seeming unimportance and triviality of the above regulations, unless thoroughly comprehensive of the spirit of the Talmud and the object of the sages in their day.

At the time when these regulations were enacted and enforced,

* There are differences of opinion in the Gemara as to the division of the regulations. Some hold that they should be grouped, while others would count them separately. The matter is of no importance, however, and hence we have grouped them in conformity with the number stated by the Mishna.

there appeared no reasonable grounds for their enactment; and even the reasons advanced by the Gemara itself in a faltering, groping manner are in many instances quite absurd. Entirely contrary to their usual custom, the sages themselves did not base these regulations upon any inference, analogy, passage, or ordinance contained in the Holy Writ, a very remarkable occurrence indeed. Furthermore, at a casual glance, the student will not find in any one of the regulations a motive based even on common sense.

Strange to say, it has also occurred that our excellent Hebrew poet L. Gordon, in a poem pungent with deepest sarcasm and pointed ridicule, commented upon these eighteen regulations, saying, amongst other things: "Not for political purposes, not for the improvement of the government moral or material, did our sages seclude themselves in their attic, but merely to prohibit matters as trivial and absurd as that of reading by lamplight on the eve of Sabbath," etc.

Had the poet, however, devoted deeper study and closer research to the environments, influences, and conditions prevailing in the days of these sages, he would readily have discovered that the greatest political import, the gravest questions of government both moral and material, actuated the institution of these apparently ridiculous regulations, all culminating and leaning towards the accomplishment of one great object; viz., that of keeping the small nation of Jews intact and guarding it from the dangers menacing it not only from the exterior world but from its interior vampires and oppressors.

It should not be overlooked that when the deliberations anent these regulations were about to be commenced, the hall used for the session was closely guarded by men armed with keen-edged swords, under instructions to permit all who desired to enter to do so, but to instantly thrust their swords through any one endeavoring to retreat; and what was the discussion commenced with? Merely an argument determining the uncleanness of certain vessels, which the priests could not approach (as will be seen farther on). Still, Hillel the Prince, the mighty sage, sat before his old-time opponent Shamai, and listened to him with the most profound attention and reverence, just as if he were the least among his disciples.

This historical fact was but another item in inducing us to digress from our established method and insert the eighteen regulations, together with the explanation of their importance; for

had we not done so, it is highly probable that we would have called down the criticism of many scholars who could not overlook such an omission.

At no period in the history of the Jewish race do we find so much deliberation, profundity of thought, and depth of calculation in evidence as at the time when the sages secluded themselves in the attic of Hananiah ben Hizkyah. *There* it was, that means were devised to keep the nation of the Jews—whose friends were always in the minority, and whose enemies, not only abroad but in their very midst, were as the sands of the sea—intact and proof against annihilation.

All of the literature current among the masses was carefully scanned and revised. The ethical code was reënforced, and wherever necessary purged of objectionable matter. This censorship was carried to such an extent that it was attempted to reject even Proverbs, Ecclesiastes, and Ezekiel as undesirable; and it was only with great difficulty that those in authority were prevailed upon to let them remain. The records of ancestry, however, tracing the descent of every existing family, which were the pride of the people, as well as all works treating of medical science and the art of healing, were buried and hidden beyond recovery. Even the Apocrypha were eliminated from the Holy Writ and declared ordinary literature, and many other writings unknown to us even in this day, as well as all secret scripts, were thoroughly revised and made adaptable to the existing times and circumstances. All this, and more, was done with the sole purpose of preserving the integrity of the Jewish race and preventing its absorption by other nations.

Thus it was commenced to accustom the Jew to study and thought, and as an outcome of this period of virtual renaissance the eighteen regulations were enacted with two prime objects in view, as follows:

Firstly, to diminish as far as possible the constantly growing domination of the priests; for the high-priestdom, with which the supreme governing power was identical, could be purchased with money, and more especially because the number of priests in the last century prior to the destruction of the Temple had grown to such a vast proportion that those in actual service alone numbered little short of twenty thousand. Apart from these were those who did not perform actual service, while enjoying all the immunities and privileges of their rank as priests, and they were: Priests who had the least blemish on their bodies;

those whose descent or even whose wives' descent left the least room for doubt; and the wealthy and influential priests who would not perform the menial duties of priests, but left them to the less fortunate and more insignificant of their number. (See "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895.)

Of such men was the party in power composed, and they made but too free a use of their authority. As a matter of course, restrictions had to be provided wherewith to relieve the oppressed.

Secondly, the object was to prevent the amalgamation of the Jews with the other nations with whom they were in daily and constant association.

Now for the manner in which the first object was about to be accomplished.

Quite some time previous to the time of which we are treating, the laymen had, after a hard struggle, succeeded in divesting the priests of their spiritual power (*i.e.*, the right to decide all questions pertaining to religious and ritual matters, whether a thing was allowed or forbidden, clean or unclean, etc.), by proving that the priests were far too ignorant to be competent judges.* This struggle had been going on since the days of Nehemiah, for prior to his day the priests were the sole judges both in spiritual and in temporal affairs, claiming their privilege in accordance with the passage [Deut. xxi. 5]: "And after their (the priests') decision shall be done at every controversy and every injury." Having wrested the spiritual power from the priests, the supervision of all religious and ritual matters was conferred upon the Pharisees, who henceforth were the recognized authorities in the interpretation of the Law. This accomplished, the next step decided upon was to limit as much as possible the temporal power of the priests: it was decided not to do this in too precipitate a manner, but cautiously and unostentatiously, using as a medium regulations seemingly unimportant, but the hidden motives of which were far-reaching in their consequences.

The time of Hananiah ben Hizkyah was the more opportune for such a *coup d'état*, as by that time the Pharisees had obtained the upper hand of all other existing sects, notably the Sadducees.

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* See Haggai ii. 13 and 14.

Now, inasmuch as it proved to be an easy matter to enact laws by means of which the Jews would be prevented from amalgamating with other nations, such as the prohibition of partaking the bread, oil, etc., of Gentiles, the proclamation declaring the children of heathens unclean (to prevent the children of Jews from joining them at play and thus forming attachments), and the women of the Samaritans, the deadliest enemies of the Jews, unclean (in order to prevent their employment as servants by Jews), it was but little more difficult to devise laws which would forever break the oppressive domination of the priests in a mild but nevertheless effective manner.

The first step necessary for the accomplishment of this desirable end was to completely destroy the system of espionage practised by the priests, and which was carried on to such an extent that spies were constantly prying into actions and even utterances in the houses of the laymen. This was, however, by no means an easy task, from the very fact that the priests were virtual shareholders in all the possessions of the laymen. One fiftieth of all grain raised by the peasants was their share as Therumah; one tenth of such grain comprised the tithe, and one tenth of the tithe belonged to the priests individually; the first of the dough, the first of shorn wool, the parts of slaughtered cattle, the firstlings of cattle, the firstfruits of trees and produce, all belonged to the priests; and it was but natural that they were to be found in the houses of the laymen at all times, whither they would come not to humbly ask for their donations, but to demand it as the rightful possessors and shareholders. Nor were they at all backward about taking a hand in the management of all other affairs of the layman, under the plea of guarding their own interests; and thus at times willingly, sometimes unwillingly, they were the spies of the higher authorities of the government.

The question then arose how to find a place where the deliberations for the suppression of this constantly growing evil could be held without the presence of the spying priests; and to meet the exigencies of the case, an old decree that had been promulgated in the early days of the existence of the Temple was again called into being and made effective. The decree was the one enacted in the time of Jose ben Joezer Ish Izreda and Jose ben Johanan the Jerusalemite, and read: "All the lands outside of Judæa are unclean" (*i.e.*, all eatables and beverages containing any degree of sanctity whatever are rendered unclean by coming

in contact with the soil of those lands outside of Judæa, but aside from such eatables and beverages nothing was rendered unclean). Now, the only eatables and beverages containing any sanctity whatever, which could be found outside of Jerusalem, where the sacrifices and other sanctified articles were brought, were the gifts and the Therumah set aside for the priests. Thus we see that the declaration of uncleanness, ostensibly directed against all eatables containing any degree of sanctity, was in reality directed against the Therumah of the priests, while the priests themselves were flattered by the elevation of the Therumah to the degree of highest sanctity, and its object will be apparent from the following argument:

The Therumah is invested with sanctity only when it is separated from the bulk, but while still a part of the entire crop it is regarded as ordinary grain. If the Therumah were separated from the bulk in any land outside of Judæa, the moment it comes in contact with the soil it becomes unclean and unfit for use. This fact made it necessary to separate the Therumah in Judæa. The transportation of the entire crop to Judæa for such a purpose involving too much labor and expense, part of the crop was set aside in the field, and from that part a sufficient quantity was separated and sent to the holy land. There the quantity of the Therumah (which according to biblical ordinance could have been only one grain, but according to established custom amounted to one fiftieth of the entire crop) was separated from the quantity sent. The consequence of this mode of procedure was, that the presence of the priest at the place where the crop was harvested was no longer required, as he could not demand his share outside of Judæa. Thus it was rendered possible to hold a convocation where the presence of the priest was no longer to be dreaded.* It seems that up to the time of Hananiah ben Hizkyah this decree had been evidently disregarded or not sufficiently effective,† for we see that eighty years

* At the same time that the decree declaring all lands outside of Judæa unclean was promulgated, glassware was also declared unclean, while prior to that time glassware had not even been susceptible to uncleanness. We cannot state positively whether this was done in order to render the first decree less conspicuous or to prevent the priests from being present at the places where glassware was manufactured, which were all outside of Judæa. Be that as it may, it can safely be assumed that the measure was another political ruse.

† It was not sufficiently effective because, in order to circumvene the decree, the priests brought chests to the lands outside of Judæa in which to store the bulk of the grain before separating the Therumah, and thus prevent the contact of the latter with the soil. This we presume from a hint of Rashi to that effect.

prior to the destruction of the Temple it was again promulgated, and this time reënforced with the declaration that even the atmosphere of all lands outside of Judæa was unclean and all articles containing any degree of sanctity were rendered unclean by contact with such atmosphere.

The eighty years before the destruction of the Temple correspond with the time of Hananiah ben Hizkyah, and it is quite possible that the sages called by the Talmud "the sages of the eighty years" were the same that took part in the deliberations in the attic, and that, in order to secure at least one place where they could hold a convocation undisturbed by the priests, they declared even the atmosphere of the lands outside of Judæa unclean.

The Talmud relates, also, that in the city of Usha the decree was reënforced for the third time with the declaration that all articles rendered unclean by the atmosphere of such lands were not only to be rendered useless, but were to be immediately burned, as a precaution lest a priest might accidentally make use of them.

Still, the decree was not as effective as it should have been, as long as the priest could come and announce that he would use his share of the Therumah for seed or dispose of it as seed, and to meet this exigency the sages of the attic first of all decreed that the crops raised from clean or unclean Therumah, used as seed, were clean or unclean respectively.

Again, means had to be devised to rid the laymen residing in Judæa proper from the obnoxious presence of the priests at all times; for at harvest-time, or when the grain was brought from the lands outside of Judæa, the ever-watchful priest was on hand. To this end the subsequent regulations concerning Therumah were enacted and gradually reënforced. Thus at first a man who had eaten a thing unclean in the first degree rendered Therumah useless; then a man who had eaten a thing of the second degree of uncleanness, until finally even a sacred scroll, or even a hand that had come in contact with a sacred scroll, and last of all a hand that was not known to be positively clean, rendered Therumah useless. All this was done with the sole object of keeping the priests out of the houses of the laymen, and rather bring the Therumah to them than have them come to demand it. Should they come in spite of this, it was not difficult to find a pretext for calling the Therumah unclean. In order, however, not to make the purpose of these regulations

too apparent, and thus give offence to the priests, other regulations were enacted in conjunction with these, which, while of no value whatever in themselves, acted as screens for the actual intentions.

It is now not difficult to explain the historical sensation caused by the deference shown by Hillel to Shamai at the commencement of these deliberations, and the reasons which prompted the posting of an armed guard at the entrance of the hall. Hillel, in his capacity as a prince of Israel, was somewhat too timid to proceed against the priests in too harsh a manner; but the masses were so much incensed against their oppressors, and so deeply conscious of their grievances, that he could not stem the popular tide against them. In this emergency it was Shamai, under ordinary circumstances of lesser consequence than Hillel, that proved to be the champion of the popular cause; and in order to insure for him a telling majority when the question came up for a final vote, the doors of the hall were guarded so that none could leave, while all were allowed to enter. Seeing the patriotism and popularity of Shamai, the prince could not help bowing to popular sentiment and showing respect to the favorite of the hour.

It would require a volume of many, many pages to demonstrate how each one of the regulations instituted was directed against the priests, how deeply it injured them, and in what measure it curtailed their previous unlimited sphere of action; also, especially, how the dispute between Hillel and Shamai concerning the susceptibility to uncleanness of vessels used at grape and olive pressing concerned the priests. Even then, a person not thoroughly imbued with the spirit of those times could scarcely understand it; but we would request that the eighteen regulations be again carefully perused, and it will readily be observed by even the casual reader, from the hints given, that the ten ordinances * relating to Therumah were directed entirely against the priests, and the four concerning uncleanness were in part against the priests and in part against mingling with other nations; as for the regulation against mingling, that goes without saying, while the regulations concerning the Mikvah and Sabbath were but incidental and trivial matters intended as a screen for the grave importance of those mentioned.

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* We have not enumerated the ordinances in their regular order of sequence as to the time, for they are scattered in the Talmud without any order, but arranged them more in accordance with their importance and severity, according to the commentary of Rashi.